

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 529

AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-21.5-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) This article does not apply to the formulation, issuance, or administrative review (but does, except as provided in subsection (b), apply to the judicial review and civil enforcement) of any of the following:

(1) Except as provided in IC 12-17.2-4-18.7 and IC 12-17.2-5-18.7, determinations by the division of family ~~and children~~ **resources and the department of child services**.

(2) Determinations by the alcohol and tobacco commission.

(3) Determinations by the office of Medicaid policy and planning concerning recipients and applicants of Medicaid. However, this article does apply to determinations by the office of Medicaid policy and planning concerning providers.

(4) A final determination of the Indiana board of tax review.

(b) IC 4-21.5-5-12 and IC 4-21.5-5-14 do not apply to judicial review of a final determination of the Indiana board of tax review.

SECTION 2. IC 5-22-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9. The department of child services is the purchasing agency for services procured by the department under IC 31-33-1.5-10.**



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SECTION 3. IC 6-1.1-17-3, AS AMENDED BY SEA 209-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(d) A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

- (1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.**
- (2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.**

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in

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subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 4. IC 6-1.1-17-14, AS AMENDED BY SEA 209-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. The county auditor shall initiate an appeal to the department of local government finance if the **county fiscal body or the county board of tax adjustment** reduces:

- (1) a township assistance tax rate below the rate necessary to meet the estimated cost of township assistance;
- (2) **a family and children's fund tax rate below the rate necessary to collect the levy recommended by the department of child services; or**
- (3) **a children's psychiatric residential treatment services fund tax rate below the rate necessary to collect the levy recommended by the department of child services.**

SECTION 5. IC 6-3.5-6-18.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

- (1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

- (2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

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Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397
Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, ~~and IC 6-1.1-18.6~~ **IC 12-19-7, and IC 12-19-7.5** for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, ~~and IC 6-1.1-18.6~~ **IC 12-19-7, and IC 12-19-7.5** for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

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STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, ~~and IC 6-1.1-18.6~~ **IC 12-19-7, and IC 12-19-7.5** for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, ~~and IC 6-1.1-18.6~~ **IC 12-19-7, and IC 12-19-7.5** for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

SECTION 6. IC 10-13-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) As used in this chapter, "criminal justice agency" means any agency or department of any level of government whose principal function is:

- (1) the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders;
- (2) the location of parents with child support obligations under 42 U.S.C. 653;
- (3) the licensing and regulating of riverboat gambling operations;
- or
- (4) the licensing and regulating of pari-mutuel horse racing operations.

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(b) The term includes the following:

- (1) The office of the attorney general.
- (2) The Medicaid fraud control unit, for the purpose of investigating offenses involving Medicaid.
- (3) A nongovernmental entity that performs as its principal function the:
 - (A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;
 - (B) location of parents with child support obligations under 42 U.S.C. 653;
 - (C) licensing and regulating of riverboat gambling operations;
 - or
 - (D) licensing and regulating of pari-mutuel horse racing operations;

under a contract with an agency or department of any level of government.

(4) ~~The division of family and children or a juvenile probation officer conducting a criminal history check (as defined in IC 31-9-2-29.7) under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:~~

- ~~(A) child at imminent risk of placement;~~
- ~~(B) child in need of services; or~~
- ~~(C) delinquent child.~~

SECTION 7. IC 10-13-3-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. As used in this chapter, "emergency placement" means an emergency out-of-home placement of a child by the department of child services established by IC 31-33-1.5-2 or a court as a result of exigent circumstances, including an out-of-home placement under IC 31-34-2 or IC 31-34-4, or the sudden unavailability of the child's parent, guardian, or custodian. The term does not include placement to an entity or in a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.**

SECTION 8. IC 10-13-3-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12.5. As used in this chapter, "national name based criminal history record check" means a query of the Interstate Identification Index data base maintained by the Federal Bureau of Investigation that:**

- (1) is conducted using the subject's name; and**
- (2) does not use fingerprint identification or another method**

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of positive identification.

SECTION 9. IC 10-13-3-27, AS AMENDED BY HEA 1288-2005, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) Except as provided in subsection (b), on request, law enforcement agencies shall release or allow inspection of a limited criminal history to noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by IC 31-33-1.5-2) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;**
- ~~(9)~~ **(10)** has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- ~~(10)~~ **(11)** is being investigated for welfare fraud by an investigator of the division of family ~~and children resources~~ or a county office of family and children;
- ~~(11)~~ **(12)** is being sought by the parent locator service of the child support bureau of the division of family and children;
- ~~(12)~~ **(13)** is or was required to register as a sex and violent offender under IC 5-2-12; or
- ~~(13)~~ **(14)** has been convicted of any of the following:
 - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
 - (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is

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- less than eighteen (18) years of age.
- (C) Child molesting (IC 35-42-4-3).
- (D) Child exploitation (IC 35-42-4-4(b)).
- (E) Possession of child pornography (IC 35-42-4-4(c)).
- (F) Vicarious sexual gratification (IC 35-42-4-5).
- (G) Child solicitation (IC 35-42-4-6).
- (H) Child seduction (IC 35-42-4-7).
- (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:
 - (A) Employment with a state or local governmental entity.
 - (B) Licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 10. IC 10-13-3-27.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 27.5. (a) If:**

- (1) exigent circumstances require the emergency placement of a child; and**
- (2) the department will be unable to obtain criminal history information from the Interstate Identification Index before the emergency placement is scheduled to occur;**

upon request of the department of child services established by IC 31-33-1.5-2, a caseworker, or a juvenile probation officer, the department may conduct a national name based criminal history record check of each individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location. The department shall promptly transmit a copy of the report it receives from the Interstate Identification Index to the agency or person that submitted a

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request under this section.

(b) Not later than seventy-two (72) hours after the department of child services, the caseworker, or the juvenile probation officer receives the results of the national name based criminal history record check, the department of child services, the caseworker, or the juvenile probation officer shall provide the department with a complete set of fingerprints for each individual who is currently residing in the location designated as the out-of-home placement at the time the child will be placed in the location. The department shall:

- (1) use fingerprint identification to positively identify each individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location; or
- (2) submit the fingerprints to the Federal Bureau of Investigation not later than fifteen (15) days after the date on which the national name based criminal history record check was conducted.

The child shall be removed from the location designated as the out-of-home placement if an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location fails to provide a complete set of fingerprints to the department of child services, the caseworker, or the juvenile probation officer.

(c) The department and the person or agency that provided fingerprints shall comply with all requirements of 42 U.S.C. 5119a and any other applicable federal law or regulation regarding:

- (1) notification to the subject of the check; and
- (2) the use of the results obtained based on the check of the person's fingerprints.

(d) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location may contest the denial by submitting to the department of child services, the caseworker, or the juvenile probation officer:

- (1) a complete set of the individual's fingerprints; and
- (2) written authorization permitting the department of child services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is

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denied.

(e) The:

(1) department; and

(2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. The department shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection.

(f) The:

(1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or

(2) juvenile court, for an out-of-home placement ordered by the juvenile court;

shall pay the fee described in subsection (e), arrange for fingerprinting, and pay the costs of fingerprinting, if any.

SECTION 11. IC 10-13-3-39, AS AMENDED BY HEA 1288-2005, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 39. (a) The department is designated as the authorized agency to receive requests for, process, and disseminate the results of national criminal history background checks that comply with this section and 42 U.S.C. 5119a.

(b) A qualified entity may contact the department to request a national criminal history background check on any of the following persons:

(1) A person who seeks to be or is employed with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person is initially employed by the qualified entity.

(2) A person who seeks to volunteer or is a volunteer with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person initially volunteers with the qualified entity.

(c) A qualified entity must submit a request under subsection (b) in the form required by the department and provide a set of the person's fingerprints and any required fees with the request.

(d) If a qualified entity makes a request in conformity with subsection (b), the department shall submit the set of fingerprints provided with the request to the Federal Bureau of Investigation for a national criminal history background check for convictions described in IC 20-26-5-11. The department shall respond to the request in

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conformity with:

- (1) the requirements of 42 U.S.C. 5119a; and
 - (2) the regulations prescribed by the Attorney General of the United States under 42 U.S.C. 5119a.
- (e) This subsection applies to a qualified entity that:
- (1) is not a school corporation or a special education cooperative; or
 - (2) is a school corporation or a special education cooperative and seeks a national criminal history background check for a volunteer.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the applicant has been convicted of an offense described in IC 20-26-5-11 and convey the determination to the requesting qualified entity.

- (f) This subsection applies to a qualified entity that:
- (1) is a school corporation or a special education cooperative; and
 - (2) seeks a national criminal history background check to determine whether to employ or continue the employment of a certificated employee or a noncertificated employee of a school corporation or an equivalent position with a special education cooperative.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department may exchange identification records concerning convictions for offenses described in IC 20-26-5-11 with the school corporation or special education cooperative solely for purposes of making an employment determination. The exchange may be made only for the official use of the officials with authority to make the employment determination. The exchange is subject to the restrictions on dissemination imposed under P.L.92-544, (86 Stat. 1115) (1972).

(g) This subsection applies to a qualified entity (as defined in IC 10-13-3-16) that is a public agency under IC 5-14-1.5-2(a)(1). After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall provide a copy to the public agency. Except as permitted by federal law, the public agency may not share the information contained in the national criminal history background check with a private agency.

SECTION 12. IC 12-7-2-57.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 57.5. (a) "Department", for purposes of IC 12-13-14, has the meaning set forth in

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IC 12-13-14-1.

(b) "Department", for purposes of IC 12-19, refers to the department of child services.

~~(b)~~ **(c)** "Department", for purposes of IC 12-20, refers to the department of local government finance established by IC 6-1.1-30-1.1.

SECTION 13. IC 12-7-2-64 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 64. "Director" refers to the following:

(1) With respect to a particular division, the director of the division.

(2) With respect to a particular state institution, the director who has administrative control of and responsibility for the state institution.

(3) For purposes of IC 12-10-15, the term refers to the director of the division of ~~disabilities~~, **disability**, aging, and rehabilitative services.

(4) For purposes of IC 12-19-5, the term refers to the director of the department of child services established by IC 31-33-1.5-2.

~~(4)~~ **(5)** For purposes of IC 12-25, the term refers to the director of the division of mental health and addiction.

~~(5)~~ **(6)** For purposes of IC 12-26, the term:

(A) refers to the director who has administrative control of and responsibility for the appropriate state institution; and

(B) includes the director's designee.

~~(6)~~ **(7)** If subdivisions (1) through ~~(5)~~ **(6)** do not apply, the term refers to the director of any of the divisions.

SECTION 14. IC 12-7-2-69 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 69. (a) "Division", except as provided in subsections (b) and (c), refers to any of the following:

(1) The division of disability, aging, and rehabilitative services established by IC 12-9-1-1.

(2) The division of family ~~and children~~ **resources** established by IC 12-13-1-1.

(3) The division of mental health and addiction established by IC 12-21-1-1.

(b) The term refers to the following:

(1) For purposes of the following statutes, the division of disability, aging, and rehabilitative services established by IC 12-9-1-1:

(A) IC 12-9.

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- (B) IC 12-10.
- (C) IC 12-11.
- (D) IC 12-12.
- (E) IC 12-12.5.

(2) For purposes of the following statutes, the division of family ~~and children resources~~ established by IC 12-13-1-1:

- (A) IC 12-13.
- (B) IC 12-14.
- (C) IC 12-15.
- (D) IC 12-16.
- ~~(E) IC 12-17.~~
- ~~(F)~~ (E) IC 12-17.2.
- ~~(G) IC 12-17.4.~~
- ~~(H)~~ (F) IC 12-18.
- ~~(I)~~ (G) IC 12-19.
- ~~(J)~~ (H) IC 12-20.

(3) For purposes of the following statutes, the division of mental health and addiction established by IC 12-21-1-1:

- (A) IC 12-21.
- (B) IC 12-22.
- (C) IC 12-23.
- (D) IC 12-25.

(c) With respect to a particular state institution, the term refers to the division whose director has administrative control of and responsibility for the state institution.

(d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term refers to the division whose director has administrative control of and responsibility for the appropriate state institution.

SECTION 15. IC 12-8-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. This chapter expires January 1, ~~2006~~. **2008.**

SECTION 16. IC 12-8-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. This chapter expires January 1, ~~2006~~. **2008.**

SECTION 17. IC 12-8-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. This chapter expires January 1, ~~2006~~. **2008.**

SECTION 18. IC 12-8-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. This chapter expires January 1, ~~2006~~. **2008.**

SECTION 19. IC 12-13-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The division of

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family ~~and children resources~~ is established.

SECTION 20. IC 12-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The division shall administer or supervise the public welfare activities of the state. The division has the following powers and duties:

- (1) The administration of old age assistance, aid to dependent children, and assistance to the needy blind and persons with disabilities, excluding assistance to children with special health care needs.
- (2) The administration of the ~~following~~:
 - (A) ~~Any public child welfare service.~~
 - (B) ~~The~~ licensing and inspection under IC 12-17.2. ~~and IC 12-17.4.~~
 - (C) ~~The care of dependent and neglected children in foster family homes or institutions, especially children placed for adoption or those born out of wedlock.~~
 - (D) ~~The interstate placement of children.~~
- (3) The provision of services to county governments, including the following:
 - (A) Organizing and supervising county offices for the effective administration of public welfare functions.
 - (B) Compiling statistics and necessary information concerning public welfare problems throughout Indiana.
 - (C) Researching and encouraging research into crime, delinquency, physical and mental disability, and the cause of dependency.
- (4) Prescribing the form of, printing, and supplying to the county ~~departments offices~~ blanks for applications, reports, affidavits, and other forms the division considers necessary and advisable.
- (5) Cooperating with the federal Social Security Administration and with any other agency of the federal government in any reasonable manner necessary and in conformity with IC 12-13 through IC 12-19 to qualify for federal aid for assistance to persons who are entitled to assistance under the federal Social Security Act. The responsibilities include the following:
 - (A) Making reports in the form and containing the information that the federal Social Security Administration Board or any other agency of the federal government requires.
 - (B) Complying with the requirements that a board or agency finds necessary to assure the correctness and verification of reports.
- (6) Appointing from eligible lists established by the state

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personnel board employees of the division necessary to effectively carry out IC 12-13 through IC 12-19. The division may not appoint a person who is not a citizen of the United States and who has not been a resident of Indiana for at least one (1) year immediately preceding the person's appointment unless a qualified person cannot be found in Indiana for a position as a result of holding an open competitive examination.

(7) Assisting the office of Medicaid policy and planning in fixing fees to be paid to ophthalmologists and optometrists for the examination of applicants for and recipients of assistance as needy blind persons.

(8) When requested, assisting other departments, agencies, divisions, and institutions of the state and federal government in performing services consistent with this article.

(9) Acting as the agent of the federal government for the following:

(A) In welfare matters of mutual concern under IC 12-13 through IC 12-19, **except for responsibilities of the department of child services under IC 31-33-1.5.**

(B) In the administration of federal money granted to Indiana in aiding welfare functions of the state government.

(10) Administering additional public welfare functions vested in the division by law and providing for the progressive codification of the laws the division is required to administer.

(11) Supervising day care centers. ~~and child placing agencies.~~

(12) ~~Supervising the licensing and inspection of all public child caring agencies.~~

(13) ~~Supervising the care of delinquent children and children in need of services.~~

(14) ~~Assisting juvenile courts as required by IC 31-30 through IC 31-40.~~

(15) ~~Supervising the care of dependent children and children placed for adoption.~~

(16) **(12)** Compiling information and statistics concerning the ethnicity and gender of a program or service recipient.

(17) ~~Providing permanency planning services for children in need of services, including:~~

(A) ~~making children legally available for adoption; and~~

(B) ~~placing children in adoptive homes;~~

~~in a timely manner.~~

SECTION 21. IC 12-13-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The division shall

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administer the following:

- ~~(1) The Interstate Compact on the Placement of Children (IC 12-17-8);~~
- ~~(2) (1) Any sexual offense services.~~
- ~~(3) (2) A child development associate scholarship program.~~
- ~~(4) (3) Any school age dependent care program.~~
- ~~(5) (4) Migrant day care services.~~
- ~~(6) Any youth services programs.~~
- ~~(7) Project safe place.~~
- ~~(8) (5) Prevention services to high risk youth.~~
- ~~(9) (6) Any commodities program.~~
- ~~(10) (7) The migrant nutrition program.~~
- ~~(11) (8) Any emergency shelter programs.~~
- ~~(12) (9) Any weatherization programs.~~
- ~~(13) (10) The Housing Assistance Act of 1937 (42 U.S.C. 1437).~~
- ~~(14) (11) The home visitation and social services program.~~
- ~~(15) (12) The educational consultants program.~~
- ~~(16) Child abuse prevention programs.~~
- ~~(17) (13) Community restitution or service programs.~~
- ~~(18) (14) The crisis nursery program.~~
- ~~(19) (15) Energy assistance programs.~~
- ~~(20) (16) Domestic violence programs.~~
- ~~(21) (17) Social services programs.~~
- ~~(22) (18) Assistance to migrants and seasonal farmworkers.~~
- ~~(23) (19) The step ahead comprehensive early childhood grant program.~~
- ~~(24) (20) Any other program:~~
 - (A) designated by the general assembly; or
 - (B) administered by the federal government under grants consistent with the duties of the division.

SECTION 22. IC 12-13-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Each county auditor shall keep records and make reports relating to the county welfare fund (before July 1, 2001), the family and children's fund, and other financial transactions as required under IC 12-13 through IC 12-19 and as required by the division **or the department of child services.**

(b) All records provided for in IC 12-13 through IC 12-19 shall be kept, prepared, and submitted in the form required by the division **or the department of child services** and the state board of accounts.

SECTION 23. IC 12-13-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The following



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bureaus are established within the division:

- (1) A bureau of ~~family independence~~: **child development**.
- (2) A ~~family protection~~ bureau **of economic independence**.
- (3) A ~~youth development~~ bureau that includes a children's disabilities services unit.
- (4) A ~~bureau of child care services~~.
- (5) A ~~bureau of residential services~~.
- (6) A ~~bureau of family resources~~.
- (7) A ~~food stamp~~ bureau.
- (8) A ~~child support~~ bureau.

SECTION 24. IC 12-13-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The division shall administer the following:

- (1) The Community Services Block Grant under 42 U.S.C. 9901 et seq.
- (2) The Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq.
- (3) The United States Department of Energy money under 42 U.S.C. 6851 et seq.
- (4) The domestic violence prevention and treatment fund under IC 12-18-4.
- (5) The Child Care and Development Block Grant under ~~42 U.S.C. 658 et seq.~~ **42 U.S.C. 9858 et seq.**
- (6) ~~Title IV-B of the federal Social Security Act under 42 U.S.C. 620 et seq.~~
- (7) ~~Title IV-E of the federal Social Security Act under 42 U.S.C. 670 et seq.~~
- (8) ~~(6)~~ The federal Food Stamp Program under 7 U.S.C. 2011 et seq.
- (9) ~~The Social Services Block Grant under 42 U.S.C. 1397 et seq.~~
- (10) ~~(7)~~ Title IV-A of the federal Social Security Act.
- (11) ~~(8)~~ Any other funding source:
 - (A) designated by the general assembly; or
 - (B) available from the federal government under grants that are consistent with the duties of the division.

SECTION 25. IC 12-13-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The division is the single state agency responsible for administering the following:

- (1) The Child Care and Development Block Grant under ~~42 U.S.C. 658 et seq.~~ **42 U.S.C. 9858 et seq.** The division shall apply to the United States Department of Health and Human Services for a grant under the Child Care Development Block Grant.

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~~(2) Title IV-B of the federal Social Security Act under 42 U.S.C. 620 et seq.~~

~~(3) Title IV-E of the federal Social Security Act under 42 U.S.C. 670 et seq.~~

~~(4)~~ **(2)** The federal Food Stamp Program under 7 U.S.C. 2011 et seq.

~~(5) The federal Social Services Block Grant under 42 U.S.C. 1397 et seq.~~

SECTION 26. IC 12-13-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) The division **and the department of child services** shall do the following:

(1) Prepare and submit to the state board of accounts for approval forms and records for assistance, receipts, disbursements, advancements, transfers, and other financial transactions necessary to administer IC 12-13 through IC 12-19.

(2) Disclose financial transactions connected with subdivision (1).

(b) Upon the approval and adoption by the state board of accounts, the division **and the department of child services** shall prescribe the forms, records, and method of accounting for all counties.

SECTION 27. IC 12-13-7-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. The director **of the division** shall prepare a biennial budget of money necessary to be appropriated by the general assembly for the division for the purposes of IC 12-13 through IC 12-19. The budget must include an estimate of all federal money that may be allotted to the state by the federal government for the purposes of the division. The budget shall be submitted to and filed with the budget director.

SECTION 28. IC 12-13-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. **(a)** A child fatality review consists of determining:

(1) whether similar future deaths could be prevented; and

(2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the local child fatality review team shall review every record concerning the deceased child that is held by the department of child services.

SECTION 29. IC 12-13-15.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. **(a)** A child fatality review conducted by the statewide child fatality review committee under this chapter must consist of determining:

(1) whether similar future deaths could be prevented; and

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(2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the statewide child fatality review committee shall review every record concerning the deceased child that is held by:

- (1) the department of child services; or**
- (2) a local child fatality review team.**

SECTION 30. IC 12-14-25.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Family preservation services may provide:

- (1) comprehensive, coordinated, flexible, and accessible services;
- (2) intervention as early as possible with emphasis on establishing a safe and nurturing environment;
- (3) services to families who have members placed in care settings outside the nuclear family; and
- (4) planning options for temporary placement outside the family if it would endanger the child to remain in the home.

(b) Unless authorized by a juvenile court, family preservation services may not include a temporary out-of-home placement if a person who:

- (1) is currently residing in the location designated as the out-of-home placement; or
- (2) in the reasonable belief of family preservation services is expected to be residing in the location designated as the out-of-home placement during the time the child at imminent risk of placement would be placed in the location;

has committed an act resulting in a substantiated report of child abuse or neglect or has a juvenile adjudication or a conviction for a felony listed in IC 12-17.4-4-11.

(c) Before placing a child at imminent risk of placement in a temporary out-of-home placement, the county office of family and children shall conduct a criminal history check (as defined in ~~IC 31-9-2-29.7~~ **IC 31-9-2-22.5**) for each person described in subsection (b)(1) and (b)(2). However, the county office of family and children is not required to conduct a criminal history check under this section if the temporary out-of-home placement is made to an entity or facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

SECTION 31. IC 12-17-2-18, AS AMENDED BY SEA 2-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) The bureau shall make the agreements necessary for the effective administration of the plan with local

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governmental officials within Indiana. The bureau shall contract with:

- (1) a prosecuting attorney; ~~or~~
- (2) a private attorney if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the Indiana child custody and support advisory committee (established by IC 33-24-11-1); **or**

(3) a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years;

in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(b) The hiring of an attorney by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(c) Subject to section 18.5 of this chapter, a prosecuting attorney with which the bureau contracts under subsection (a):

- (1) may contract with a ~~private organization~~ **collection agency licensed under IC 25-11** to provide child support enforcement services; **and**
- (2) **shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.**

(d) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(e) At the time that an application for child support services is made, the applicant must be informed that:

- (1) an attorney who provides services for the child support bureau is the attorney for the state and is not providing legal

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representation to the applicant; and

(2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(f) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to the amount of parenting time or parenting time credit.

SECTION 32. IC 12-17-2-18.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18.5. (a) The bureau shall establish a program to allow a prosecuting attorney with which the bureau has contracted under section 18 of this chapter to contract with a ~~private organization~~ **collection agency licensed under IC 25-11** to provide child support enforcement services.

(b) The bureau ~~may~~ **shall**: ~~establish~~:

(1) ~~establish~~ a list of approved ~~private organizations~~ **collection agencies** with which a prosecuting attorney may contract under this section; ~~and~~

(2) ~~establish~~ requirements for participation in the program established under this section to assure:

(A) effective administration of the plan; and

(B) compliance with all federal and state statutes, regulations, and rules;

(3) **update and review the list described in subdivision (1) and forward a copy of the updated list to each prosecuting attorney annually; and**

(4) **preapprove or approve all contracts between a collection agency and a prosecuting attorney.**

(c) A contract between a prosecuting attorney and a ~~private organization~~ **collection agency** under this section must include the following provisions:

(1) A provision that records of a contractor operated child support enforcement system are subject to inspection and copying to the same extent the records would be subject to inspection and copying if the contractor were a public agency under IC 5-14-3.

(2) A provision that records that are provided by a contractor to the prosecuting attorney that relate to compliance by the contractor with the terms of the contract are subject to inspection and copying in accordance with IC 5-14-3.

(d) Not later than July 1, ~~2001~~, **2006**, the bureau shall provide the

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legislative council with a report:

(1) evaluating the effectiveness of the program established under this section; **and**

(2) evaluating the impact of arrearage reductions for child support orders under which collection agencies have collected under IC 12-17-2-18(c).

(e) The bureau is not liable for any costs related to a contract entered into under this section that are disallowed for reimbursement by the federal government under the Title IV-D program of the federal Social Security Act.

(f) The bureau shall treat costs incurred by a prosecuting attorney under this section as administrative costs of the prosecuting attorney.

(g) Contracts between a collection agency licensed under IC 25-11 and the bureau or a prosecuting attorney:

(1) must:

(A) be in writing;

(B) include:

(i) all fees, charges, and costs, including administrative and application fees; and

(ii) the right of the bureau or the prosecuting attorney to cancel the contract at any time;

(C) require the collection agency, upon the request of the bureau or the prosecuting attorney, to provide the:

(i) source of each payment received for arrearage on a child support order;

(ii) form of each payment received for arrearage on a child support order;

(iii) amount and percentage that is deducted as a fee or a charge from each payment of arrearage on a child support order; and

(iv) amount of arrearage owed under a child support order; and

(D) be one (1) year renewable contracts; and

(2) may be negotiable contingency contracts in which a collection agency may not collect a fee that exceeds fifteen percent (15%) of the arrearages collected per case.

SECTION 33. IC 12-17-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. The division may not approve a grant from the fund to an applicant unless the applicant agrees to adopt the following program enrollment priorities:

(1) First priority must be given to children who are referred to a program by the ~~local~~ **department of child protection service**

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agency services under IC 31-33 (or IC 31-6-11 before its repeal). Within this priority, children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(2) Second priority must be given to children in kindergarten and grades 1 through 3 and the children's siblings if the children's families need school age child care services because of:

- (A) enrollment of a child's legal custodian in vocational training under a degree program;
- (B) employment of a child's legal custodian; or
- (C) physical or mental incapacitation of a child's legal custodian.

(3) Third priority must be given to children in grades 4 through 9 if the children's families need school age child care services because of:

- (A) enrollment of a child's legal custodian in vocational training under a degree program;
- (B) employment of a child's legal custodian; or
- (C) physical or mental incapacitation of a child's legal custodian.

SECTION 34. IC 12-17.4-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. A waiver or variance granted under section 8 of this chapter and a waiver or variance renewed under section 10 of this chapter expires on the earlier of the following:

- (1) The date when the license affected by the waiver or variance expires.
- (2) The date set by the division for the expiration of the waiver or variance.
- (3) The occurrence of the event set by the division for the expiration of the waiver or variance.
- (4) ~~Two (2)~~ **Four (4)** years after the date that the waiver or variance becomes effective.

SECTION 35. IC 12-17.4-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A license for a child caring institution expires ~~two (2)~~ **four (4)** years after the date of issuance, unless the license is revoked, modified to a probationary or suspended status, or voluntarily returned.

(b) A license issued under this chapter:

- (1) is not transferable;
- (2) applies only to the licensee and the location stated in the application; and

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(3) remains the property of the division.

(c) When a licensee submits a timely application for renewal, the current license shall remain in effect until the division issues a license or denies the application.

(d) A current license must be publicly displayed.

SECTION 36. IC 12-17.4-4-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) A person may not operate a therapeutic foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a therapeutic foster family home without a license issued under this article.

(c) The division may only issue a license for a therapeutic foster family home that meets:

- (1) all of the licensing requirements of a foster family home; and
- (2) the additional requirements described in this section.

(d) An applicant for a therapeutic foster family home license must do the following:

- (1) Be licensed as a foster parent under 470 IAC 3-1-1 et seq.
- (2) Participate in ~~thirty (30) hours~~ of preservice training that includes:

- (A) ~~twenty (20) hours~~ of preservice training to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and
- (B) ~~ten (10) hours~~ of additional preservice training in therapeutic foster care.

(e) A person who is issued a license to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and annually thereafter, participate in ~~twenty (20) hours~~ of training that includes:

- (1) ~~ten (10) hours~~ of training as required in order to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and
- (2) ~~ten (10) hours~~ of additional training in order to be licensed as a therapeutic foster parent under this chapter.

(f) An operator of a therapeutic foster family home may not provide supervision and care in a therapeutic foster family home to more than two (2) foster children at the same time, not including the children for whom the applicant or operator is a parent, stepparent, guardian, custodian, or other relative. The division may grant an exception to this subsection whenever the placement of siblings in the same therapeutic foster family home is desirable or in the best interests of the foster children residing in the home.

(g) The department of child services shall adopt rules under

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IC 4-22-2 necessary to carry out this section, including rules governing the number of hours of training required under subsections (d) and (e).

SECTION 37. IC 12-17.4-4-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.7. (a) A person may not operate a special needs foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a special needs foster family home without a license issued under this article.

(c) The division may only issue a license for a special needs foster family home that meets:

- (1) all of the licensing requirements of a foster family home; and
- (2) the additional requirements described in this section.

(d) An applicant for a special needs foster family home license must be licensed as a foster parent under 470 IAC 3-1-1 et seq. that includes participating in ~~twenty (20) hours~~ of preservice training.

(e) A person who is issued a license to operate a special needs foster family home shall, within one (1) year after meeting the training requirements of subsection (d) and annually thereafter, participate in ~~twenty (20) hours~~ of training that includes:

- (1) ~~ten (10) hours~~ of training as required in order to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and
- (2) ~~ten (10) hours~~ of additional training that includes specialized training to meet the child's specific needs.

(f) An operator of a special needs foster family home may not provide supervision and care as a special needs foster family home if more than:

- (1) eight (8) individuals, each of whom either:
 - (A) is less than eighteen (18) years of age; or
 - (B) is at least eighteen (18) years of age and is receiving care and supervision under an order of a juvenile court; or
- (2) four (4) individuals less than six (6) years of age;

including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative, receive care and supervision in the home at the same time. Not more than four (4) of the eight (8) individuals described in subdivision (1) may be less than six (6) years of age. The division may grant an exception to this section whenever the division determines that the placement of siblings in the same special needs foster home is desirable.

(g) The division shall consider the specific needs of each special needs foster child whenever the division determines the appropriate

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number of children to place in the special needs foster home under subsection (f). The division may require a special needs foster family home to provide care and supervision to less than the maximum number of children allowed under subsection (f) upon consideration of the specific needs of a special needs foster child.

(h) The department of child services shall adopt rules under IC 4-22-2 necessary to carry out this section, including rules governing the number of hours of training required under subsection (e).

SECTION 38. IC 12-17.4-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) A license for a foster family home expires ~~two (2)~~ **four (4)** years after the date of issuance, unless the license is revoked, modified to a probationary or suspended status, or voluntarily returned.

(b) A license issued under this chapter:

- (1) is not transferable;
- (2) applies only to the licensee and the location stated in the application; and
- (3) remains the property of the division.

(c) A foster family home shall have the foster family home's license available for inspection.

(d) If a licensee submits a timely application for renewal, the current license shall remain in effect until the division issues a license or denies the application.

SECTION 39. IC 12-17.4-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A license for a group home expires ~~two (2)~~ **four (4)** years after the date of issuance, unless the license is revoked, modified to a probationary or suspended status, or voluntarily returned.

(b) A license issued under this chapter:

- (1) is not transferable;
- (2) applies only to the licensee and the location stated in the application; and
- (3) remains the property of the division.

(c) A current license shall be publicly displayed.

(d) If a licensee submits a timely application for renewal, the current license remains in effect until the division issues a license or denies the application.

SECTION 40. IC 12-17.4-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) A license for a child placing agency expires ~~two (2)~~ **four (4)** years after the date of issuance, unless the license is revoked, modified to a probationary or

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suspended status, or voluntarily returned.

(b) A license issued under this chapter:

- (1) is not transferable;
- (2) applies only to the licensee and the location stated in the application; and
- (3) remains the property of the division.

(c) A child placing agency shall have the child placing agency's license available for inspection.

(d) If a licensee submits a timely application for renewal, the current license shall remain in effect until the division issues a license or denies the application.

SECTION 41. IC 12-18-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) A local domestic violence fatality review team consists of the following members:

- (1) A survivor of domestic violence.
- (2) A domestic violence direct service provider.
- (3) A representative of law enforcement from the area served by the local domestic violence fatality review team.
- (4) A prosecuting attorney or the prosecuting attorney's designee from the area served by the local domestic violence fatality review team.
- (5) An expert in the field of forensic pathology, a coroner, or a deputy coroner.
- (6) A medical practitioner with expertise in domestic violence.
- (7) A judge who hears civil or criminal cases.
- (8) An employee of ~~a~~ **the department of child protective services.** ~~agency.~~

(b) If a local domestic violence fatality review team is established in one (1) county, the legislative body that voted to establish the local domestic violence fatality review team under section 6 of this chapter shall:

- (1) adopt an ordinance for the appointment and reappointment of members of the local domestic violence fatality review team; and
- (2) appoint members to the local domestic violence fatality review team under the ordinance adopted.

(c) If a local domestic violence fatality review team is established in a region, the county legislative bodies that voted to establish the local domestic violence fatality review team under section 6 of this chapter shall:

- (1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local domestic

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violence fatality review team; and

(2) appoint members to the local domestic violence fatality review team under the ordinances adopted.

(d) A local domestic violence fatality review team may not have more than fifteen (15) members.

SECTION 42. IC 12-19-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The director of **the division, in consultation with the director of the department of child services,** shall appoint a county director in each county.

(b) The director shall appoint each county director:

(1) solely on the basis of merit; and

(2) from eligible lists established by the state personnel department.

(c) Each county director must be a citizen of the United States.

SECTION 43. IC 12-19-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The county director shall ~~with the approval of the director of the division,~~ appoint from eligible lists established by the state personnel department the number of assistants necessary to: ~~do the following:~~

(1) administer the welfare activities within the county **that are administered by the division under IC 12-13 through IC 12-19 or by an administrative rule, with the approval of the director of the division;** or

(2) ~~Perform all other duties of the county office:~~ **administer the child protection services and child welfare activities within the county that are the responsibility of the department under IC 12-13 through IC 12-19 and IC 31-33-1.5 or by an administrative rule, with the approval of the director of the department.**

(b) The:

(1) division, **for personnel performing activities described in subsection (a)(1);**

(2) department, **for personnel performing activities described in subsection (a)(2); or**

(3) **the division and the department jointly for personnel performing activities in both subsection (a)(1) and (a)(2);**

shall determine the compensation of the assistants within the ~~following:~~

~~(1) The~~ salary ranges of the pay plan adopted by the state personnel department and approved by the budget agency, with the advice of the budget committee,

~~(2) and within~~ lawfully established appropriations.

SECTION 44. IC 12-19-1-8 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. **(a) Except as provided in subsection (b), the division shall pay for the costs of personal services in the administration of a county office's duties under this article if the employment is necessary for the administration of the county office's duties imposed upon the county office by this article and rules prescribed by the division or the department shall be paid by the following:**

(1) The division, for activities described in section 7(a)(1) of this chapter.

(2) The department, for activities described in section 7(a)(2) of this chapter.

(b) The division and the department shall negotiate and agree to the payment of personnel services within the administration of a county office for activities that qualify under both section 7(a)(1) and 7(a)(2) of this chapter.

SECTION 45. IC 12-19-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) Subject to the rules adopted by the director of the division, a county office shall administer the following:

(1) Assistance to dependent children in the homes of the dependent children.

(2) Assistance and services to elderly persons.

(3) Assistance to persons with disabilities.

(4) Care and treatment of the following persons:

~~(A) Children in need of services:~~

~~(B)~~ (A) Dependent children.

~~(C)~~ (B) Children with disabilities.

~~(5) Licensing of foster family homes for the placement of children in need of services:~~

~~(6) Supervision of the care and treatment of children in need of services in foster family homes:~~

~~(7) Licensing of foster family homes for the placement of delinquent children:~~

~~(8) Supervision of the care and treatment of delinquent children in foster family homes:~~

~~(9)~~ (5) Provision of family preservation services.

~~(10)~~ (6) Any other welfare activities that are delegated to the county office by the division under this chapter, including services concerning assistance to the blind.

SECTION 46. IC 12-19-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The following are not personally liable, except to the state, for an official act done or

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omitted in connection with the performance of duties under this article:

- (1) The director of the division.
- (2) Officers and employees of the division.
- (3) Officers and employees of a county office.
- (4) The director of the department of child services.**
- (5) Officers and employees of the department of child services.**

SECTION 47. IC 12-19-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. An officer or employee of:

- (1) the division; ~~or of~~
- (2) a county office; **or**
- (3) the department of child services;**

may administer oaths and affirmations required to carry out the purposes of this article or of any other statute imposing duties on the county office.

SECTION 48. IC 12-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) In addition to the other method of welfare financing provided by this article, the ~~county director~~ **department** may ~~appeal for the right to~~ **conduct a public hearing to determine whether to recommend to a county to** borrow money **under this chapter** on a short term basis to fund:

- (1) child services under IC 12-19-7-1;
- (2) children's psychiatric residential treatment services under IC 12-19-7.5; or
- (3) other welfare services in the county **payable from the family and children's fund or the children's psychiatric residential treatment services fund;**

if the ~~county director~~ **department** determines that the family and children's fund or the children's psychiatric residential treatment services fund will be exhausted before the end of a fiscal year.

(b) ~~In an appeal under this section;~~ the ~~county director~~ **the hearing, the department** must **present facts that** show the following:

- (1) That the amount of money in the family and children's fund or the children's psychiatric residential treatment services fund will be insufficient to fund the appropriate services within the county under this article.
- (2) The amount of money that the ~~county director~~ **department** estimates will be needed to fund that deficit.

~~(c) The county director shall immediately transmit an appeal under this section to the director.~~

SECTION 49. IC 12-19-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~Upon receiving an~~

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~~appeal under section 1 of this chapter;~~ The ~~division~~ **department** shall as soon as possible do the following:

- (1) Hold a public hearing to decide if the county should ~~be allowed to~~ borrow money.
- (2) ~~Adopt~~ **Issue** a resolution at that ~~meeting~~ **recommendation** supporting or rejecting the proposal to borrow money.
- (3) ~~Transmit the resolution to the county director.~~

SECTION 50. IC 12-19-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~Upon receiving a resolution under section 2 of this chapter, If the county director shall submit the appeal and the division's resolution~~ **department makes a recommendation after a hearing to borrow money, the department shall submit a certified copy of the recommendation** to the county fiscal body **and the county auditor.** Upon receiving the ~~appeal and the resolution;~~ **department's certified recommendation,** the:

- (1) county fiscal body shall as soon as possible determine whether or not to loan the requested amount to the ~~county office;~~ **department; and**
- ~~(b)~~ (2) if the county fiscal body votes to allow a loan to be made, the county auditor on behalf of the county office shall borrow the money from a financial institution.
- ~~(c)~~ (b) If the county fiscal body determines that the county office should not be allowed to borrow money, the county fiscal body shall inform the ~~county director~~ **department** of the county fiscal body's decision.

SECTION 51. IC 12-19-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. The ~~division~~ **department** or a county fiscal body may not do the following:

- (1) Recommend or approve a request to borrow money made under this chapter unless the body determines that the family and children's fund or the children's psychiatric residential treatment services fund will be exhausted before the particular fund can fund all county obligations incurred under this article.
- (2) Recommend or approve a loan that will exceed the amount of the estimated deficit.

SECTION 52. IC 12-19-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) ~~If a county director:~~ **money was borrowed under IC 12-1-11.5 (before its repeal) or the department:**

- (1) ~~appeals~~ **makes a request** before August 1 of a year for permission to borrow money under this chapter;
- (2) receives permission from the county fiscal body to borrow

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money before November 1 of the year; and

(3) borrows money under IC 12-1-11.5 (before its repeal) or this chapter;

the county auditor shall levy a property tax beginning in the following year and continuing for the term of the loan.

(b) The property tax levied under subsection (a) must be in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(c) The levy under this section shall be retained by the county treasurer and applied by the county auditor to retire the debt.

SECTION 53. IC 12-19-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) If ~~a county director~~ **the department**:

(1) ~~appeals~~ **makes a request** after August 1 of a year for permission to borrow money;

(2) receives permission from the county fiscal body to borrow money; and

(3) borrows money in the year of the appeal under IC 12-1-11.5 (before its repeal) or this chapter;

the county auditor shall levy a property tax beginning in the second year following the year of the appeal and continuing for the term of the loan.

(b) The property tax levied under subsection (a) must be in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(c) The levy under this section shall be retained by the county treasurer and applied by the county auditor to retire the debt.

SECTION 54. IC 12-19-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) As used in this section, "indirect cost" means a cost that is not directly traceable to a particular activity undertaken in the administration of the following:

(1) The federal Food Stamp program (7 U.S.C. 2011 et seq.).

(2) The federal Aid to Families with Dependent Children program (42 U.S.C. 601 et seq.).

(3) The federal Child Support Enforcement Act (42 U.S.C. 651 et seq.).

(b) The division **and the department** shall pay to each county the money paid to the state as reimbursement for the indirect costs incurred by the county and the county office.

SECTION 55. IC 12-19-7-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) The division of family ~~and children resources~~ may transfer any of the following to a

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county family and children's fund:

(1) Money transferred under P.L.273-1999, SECTION 126, to the division from a county welfare fund on or after July 1, 2000, without regard to the county from which the money was transferred.

(2) Money appropriated to the division **or department** for any of the following:

(A) Assistance awarded by a county to a destitute child under IC 12-17-1.

(B) Child welfare services as described in IC 12-17-3.

(C) Any other services for which the expenses were paid from a county welfare fund before January 1, 2000.

(b) Money transferred under subsection (a)(1) or (a)(2) must be used for purposes described in subsection (a)(2).

SECTION 56. IC 12-19-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A family and children's fund is established in each county. The fund shall be raised by a separate tax levy (the county family and children property tax levy) that:

(1) is in addition to all other tax levies authorized; and

(2) shall be levied annually by the county fiscal body on all taxable property in the county in the amount necessary to raise the part of the fund that the county must raise to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual budget under section 6 of this chapter.

(b) The tax imposed under this section shall be collected as other state and county ad valorem taxes are collected.

(c) The following shall be paid into the county treasury and constitute the family and children's fund:

(1) All receipts from the tax imposed under this section.

(2) All grants-in-aid, whether received from the federal government or state government.

(3) Any other money required by law to be placed in the fund.

(d) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget that is submitted and approved.

(e) Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 57. IC 12-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) For taxes first due and payable in each year after ~~2003~~, **2005**, each county shall impose a county family and children property tax levy equal to the

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product of:

(1) ~~the county family and children property tax levy imposed for taxes first due and payable in the preceding year; as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17 and after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year; multiplied by~~

(2) the greater of:

(A) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2; or

(B) one (1).

When a year in which a statewide general reassessment of real property first becomes effective is the year preceding the year that the property tax levy under this subsection will be first due and payable, the amount to be used in subdivision (2) equals the average of the amounts used in determining the two (2) most recent adjustments in the county's levy under this section. If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money: **necessary to pay the costs of the child services of the county for the next fiscal year.**

(b) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy **and comply with IC 6-1.1-17-3.**

SECTION 58. IC 12-19-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The ~~county director, department,~~ upon the advice of the judges of the courts with juvenile jurisdiction in the county **and after consulting with the division of family resources,** shall annually compile and adopt a child services budget, which must be in a form prescribed by the state board of accounts. ~~The budget may not exceed the levy limitation set forth in IC 6-1.1-18.6.~~

(b) The budget must contain an estimate of the amount of money that will be needed by the ~~county office department~~ during the **fiscal ensuing year** to defray the expenses and obligations incurred by the ~~county office department~~ in the payment of services for children adjudicated to be children in need of services or delinquent children and other related services, but not including the payment of AFDC.

SECTION 59. IC 12-19-7-7 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~(a)~~ The ~~county director department~~ shall, with the assistance of the judges of courts with juvenile jurisdiction in the county, **after consulting with the division of family resources**, and at the same time the budget is compiled and adopted, ~~recommend to the division~~ **compute** the tax levy that the ~~director department~~ and judges determine will be required to raise the amount of revenue necessary to pay the expenses and obligations of the ~~county office department~~ set forth in the budget under section 6 of this chapter. ~~However, the tax levy may not exceed the maximum permissible levy set forth in IC 6-1.1-18.6 and the budget may not exceed the levy limitation set forth in IC 6-1.1-18.~~

(b) After the county budget has been compiled, the county director shall submit a copy of the budget and the tax levy recommended by the county director and the judges of courts with juvenile jurisdiction in the county to the division. The division shall examine the budget and the tax levy for the purpose of determining whether, in the judgment of the division:

- (1) the appropriations requested in the budget will be adequate to defray the expenses and obligations incurred by the county office in the payment of child services for the next fiscal year; and
- (2) the tax levy recommended will yield the amount of the appropriation set forth in the budget.

SECTION 60. IC 12-19-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. The budget ~~finally approved~~ and the tax levy recommended by the ~~division department~~ shall be:

- (1) certified to the county ~~office~~; **auditor**; and
- (2) filed for consideration by the county fiscal body; **and**
- (3) filed with the department of local government finance.**

SECTION 61. IC 12-19-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. In September of each year, at the time provided by law, the county fiscal body shall do the following:

- (1) Make the appropriations out of the family and children's fund that are:
 - (A) based on the budget as submitted; and
 - (B) necessary to ~~maintain~~ **pay** the child services of the county for the next fiscal year. ~~subject to the maximum levy set forth in IC 6-1.1-18.6.~~
- (2) Levy a tax in an amount necessary to produce the appropriated money.

SECTION 62. IC 12-19-7-11.1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11.1. (a) The judges of the courts with juvenile jurisdiction in the county and the ~~county director~~ **department** shall meet with the county fiscal body at a public meeting:

- (1) in April; and
- (2) after June 30 and before October 1;

in each year.

(b) At a meeting required in subsection (a), the ~~county director~~ **department** shall present to the county fiscal body and the judges the following reports:

- (1) Expenditures made:
 - (A) during the immediately preceding calendar quarter from the family and children's fund in comparison to one-fourth (1/4) of the budget and appropriations approved by the county fiscal body for the calendar year; and
 - (B) from the fund in the corresponding calendar quarter of each of the two (2) preceding calendar years.
- (2) Obligations incurred through the end of the immediately preceding calendar quarter that will be payable from the family and children's fund during the remainder of the calendar year or in any subsequent calendar year.
- (3) The number of children, by category, for whom the family and children's fund was required to provide funds for services during the immediately preceding calendar quarter, in comparison to the corresponding calendar quarter of each of the two (2) preceding calendar years.
- (4) The number and type of out-of-home placements, by category, for which the family and children's fund was required to provide funds for foster home care or institutional placement, and the average daily, weekly, or monthly cost of out of home placement care and services by category, during the immediately preceding calendar quarter, in comparison to the corresponding calendar quarter of each of the two (2) preceding calendar years.
- (5) The number of children, by category, for whom the family and children's fund was required to provide funds for services for children residing with the child's parent, guardian, or custodian (other than foster home or institutional placement), and the average monthly cost of those services, during the immediately preceding calendar quarter, in comparison to the corresponding calendar quarter for each of the two (2) preceding calendar years.

(c) In preparing the reports described in subsection (b), the ~~county director~~ **department** may use the best information reasonably available

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from the records of the ~~county office~~ **department** and the county family and children's fund. ~~for calendar years before 1998.~~

(d) At each meeting described in subsection (a), the county fiscal body, judges, and ~~county director~~ **department** may:

- (1) discuss and suggest procedures to provide child welfare services in the most effective and cost-efficient manner; and
- (2) consider actions needed, including revision of budgeting procedures, to eliminate or minimize any anticipated need for short term borrowing for the family and children's fund under any provisions of this chapter or IC 12-19-5.

SECTION 63. IC 12-19-7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) If at any time the ~~county director~~ **department** determines that the family and children's fund is exhausted or will be exhausted before the close of a fiscal year, the ~~county director~~ **department** shall prepare an estimate and statement showing the amount of money, in addition to the money already made available, that will be necessary to defray the expenses of the ~~county office~~ **department** and pay the obligations of the ~~county office; department,~~ excluding administrative expenses and facilities, supplies, and equipment expenses for the ~~county office; department,~~ in the administration of the ~~county office's~~ **department's** activities for the unexpired part of the fiscal year.

(b) The ~~county director~~ **department** shall do the following:

- (1) Certify the estimate and statement to the county executive.
- (2) File the estimate and statement with the county auditor.
- (3) File the estimate and statement with the department of local government finance.**

SECTION 64. IC 12-19-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The county executive shall consider and act upon an estimate and statement under section 15 of this chapter at:

- (1) the county executive's regular session immediately following the filing of the estimate and statement; or
- (2) a special session that is:
 - (A) called for the purpose of considering and acting upon the estimate and statement; and
 - (B) called before the executive's regular session described in subdivision (1).

(b) The county executive shall, for and on behalf of the county, borrow sufficient money to carry out the purposes described in section 15 of this chapter if after consideration of the estimate and statement the county executive finds the following:

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(1) That the ~~county director~~ **department** has not ~~appealed~~ **certified a recommendation** to borrow money under IC 12-19-5. ~~or that the appeal has been denied.~~

(2) That the amount of money required, in addition to any money already available, to defray the expenses and pay the obligations of the ~~county office~~ **department** in the administration of the county's child services for the unexpired part of the fiscal year, is greater than the amount of money that may be advanced from the general fund of the county.

(c) If the county executive fails to borrow sufficient money to carry out the purposes under section 15 of this chapter either under this chapter or IC 12-19-5, the department may appeal to the department of local government finance for a determination. A copy of the appeal must be filed with the county fiscal body. The department of local government finance shall immediately conduct a hearing in the county on an appeal filed under this subsection. If the department determines that insufficient money is available to carry out the purposes under section 15 of this chapter, the department of local government finance shall issue an appropriate order. The order may allow the county to reduce its general fund budget and transfer sufficient money to the fund or require the county to borrow money for the fund to carry out the purposes under section 15 of this chapter.

SECTION 65. IC 12-19-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Before making a loan under section 16 of this chapter, the county executive shall record a finding that the amount of money that will be required is greater than the amount of money that may be advanced from the general fund of the county. The finding must:

(1) set forth the estimated requirements of the ~~county office;~~ **department;** and

(2) direct the county auditor to call the county fiscal body into special session for the purpose of considering the making of the loan.

(b) In the notice of the special session of the county fiscal body, the auditor shall include a statement of the estimated amount of the proposed loan.

SECTION 66. IC 12-19-7-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. An ordinance adopted by the county fiscal body authorizing a loan under this chapter must do the following:

(1) Authorize the issuance of the bonds of the county to evidence

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the loan.

(2) Fix the following:

(A) The loan's maximum amount, which may be less than the amount shown by the estimate of the ~~county director~~ **department**.

(B) The number of semiannual series in which the bonds are payable, which may not exceed twenty (20).

SECTION 67. IC 12-19-7.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. As used in this chapter, "private psychiatric residential treatment facility" means a privately owned and operated facility that:

(1) provides inpatient treatment to individuals less than twenty-one (21) years of age for mental health conditions;

(2) is licensed or certified by:

(A) the ~~division of family and children~~ **department**; or

(B) the division of mental health and addiction;

to provide children's psychiatric residential treatment services; and

(3) is enrolled in the state Medicaid program as a provider eligible to provide children's psychiatric residential treatment services.

SECTION 68. IC 12-19-7.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A children's psychiatric residential treatment services fund is established in each county. The fund shall be raised by a separate tax levy (the county children's psychiatric residential treatment services property tax levy) that:

(1) is in addition to all other tax levies authorized; and

(2) shall be levied annually by the county fiscal body on all taxable property in the county in the amount necessary to raise the part of the fund that the county must raise to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual budget under section 8 of this chapter.

(b) The tax imposed under this section shall be collected as other state and county ad valorem taxes are collected.

(c) The following shall be paid into the county treasury and constitute the children's psychiatric residential treatment services fund:

(1) All receipts from the tax imposed under this section.

(2) All grants-in-aid, whether received from the federal government or state government.

(3) Any other money required by law to be placed in the fund.

(d) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget that is submitted and

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approved.

(e) Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 69. IC 12-19-7.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For taxes first due and payable in 2004; each county must impose a county children's psychiatric residential services property tax levy equal to the amount determined using the following formula:

STEP ONE: Determine the sum of the amounts that were paid by the county minus the amounts reimbursed by the state (including reimbursements made with federal money); as determined by the state board of accounts in 2000; 2001; and 2002 for payments to facilities licensed under 470 IAC 3-13 for services that were made on behalf of the children and for which payment was made from the county family and children fund; or five percent (5%) of the average family and children budget; as determined by the department of local government finance in 2000; 2001; and 2002; whichever is greater.

STEP TWO: Subtract from the amount determined in STEP ONE the sum of the miscellaneous taxes that were allocated to the county family and children fund and used to pay the costs for providing services in facilities licensed under 470 IAC 3-13 in 2000; 2001; and 2002.

STEP THREE: Divide the amount determined in STEP TWO by three (3).

STEP FOUR: Calculate the STEP ONE amount and the STEP TWO amount for 2002 expenses only.

STEP FIVE: Adjust the amounts determined in STEP THREE and STEP FOUR by the amount determined by the department of local government finance under subsection (c).

STEP SIX: Determine whether the amount calculated in STEP THREE, as adjusted in STEP FIVE; or the amount calculated in STEP FOUR, as adjusted in STEP FIVE; is greater. Multiply the greater amount by the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the county for property taxes first due and payable in 2003.

STEP SEVEN: Multiply the amount determined in STEP SIX by the county's assessed value growth quotient for property taxes first due and payable in 2004; as determined under IC 6-1.1-18.5-2.

(b) (a) For taxes first due and payable in each year after 2004; **2005**, each county shall impose a county children's psychiatric residential treatment services property tax levy equal to the ~~product~~ of:

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(1) ~~the county children's psychiatric residential treatment services property tax levy imposed for taxes first due and payable in the preceding year; as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget; levy; and rate for that preceding calendar year under IC 6-1.1-17 and after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year; multiplied by~~

(2) the greater of:

(A) the county's assessed value growth quotient for the ensuing calendar year; as determined under IC 6-1.1-18.5-2; or

(B) one (1).

When a year in which a statewide general reassessment of real property first becomes effective is the year preceding the year that the property tax levy under this subsection will be first due and payable, the amount to be used in subdivision (2) equals the average of the amounts used in determining the two (2) most recent adjustments in the county's levy under this section. If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.

(c) For taxes first due and payable in 2004, the department of local government finance shall adjust the levy for each county to reflect the county's actual expenses incurred in providing services to children in facilities licensed under 470 IAC 3-13 in 2000, 2001, and 2002. In making this adjustment, the department of local government finance may consider all relevant information, including the county's use of bond and loan proceeds to pay these expenses. **necessary to pay the costs of children's psychiatric residential treatment services of the county for the next fiscal year.**

~~(d)~~ (b) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy.

SECTION 70. IC 12-19-7.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) For purposes of this section, "expenses and obligations incurred by the ~~county office~~ **department**" include all anticipated costs of children's residential psychiatric services that are equal to the state share of the cost of those services that are reimbursable under the state Medicaid plan.

(b) The ~~county director~~; **department**, upon the advice of the judges of the courts with juvenile jurisdiction in the county **and after consulting with the division of family resources**, shall annually compile and adopt a children's psychiatric residential treatment

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services budget, which must be in a form prescribed by the state board of accounts. ~~The budget may not exceed the levy limitation set forth in IC 6-1.1-18.6.~~

(c) The budget must contain an estimate of the amount of money that will be needed by the ~~county office~~ **department** during the fiscal year to defray the expenses and obligations incurred by the ~~county office~~ **department** in the payment of children's psychiatric residential treatment services for children who are residents of the county.

SECTION 71. IC 12-19-7.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. ~~(a) The county director~~ **department** shall, with the assistance of the judges of courts with juvenile jurisdiction in the county, **after consulting with the division of family resources**, and at the same time the budget is compiled and adopted, ~~recommend to the division~~ **compute** the tax levy that the director and judges determine will be required to raise the amount of revenue necessary to pay the expenses and obligations of the county office set forth in the budget under section 8 of this chapter. However, the tax levy may not exceed the maximum permissible levy set forth in IC 6-1.1-18.6; and the budget may not exceed the levy limitation set forth in IC 6-1.1-18.

(b) ~~After the county budget has been compiled; the county director shall submit a copy of the budget and the tax levy recommended by the county director and the judges of courts with juvenile jurisdiction in the county to the division. The division shall examine the budget and the tax levy for the purpose of determining whether, in the judgment of the division:~~

- (1) the appropriations requested in the budget will be adequate to defray the expenses and obligations incurred by the county office in the payment of children's psychiatric residential treatment services for the next fiscal year; and
- (2) the tax levy recommended will yield the amount of the appropriation set forth in the budget.

SECTION 72. IC 12-19-7.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. The budget ~~finally approved and the tax levy and tax levy~~ recommended by the ~~division~~ **department** shall be:

- (1) certified to the county ~~office; and auditor;~~
- (2) filed ~~for consideration by~~ **with** the county fiscal body; and
- (3) **filed with the department of local government finance.**

SECTION 73. IC 12-19-7.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. In September of each year, at the time provided by law, the county fiscal body shall do

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the following:

- (1) Make the appropriations out of the children's psychiatric residential treatment services fund that are:
 - (A) based on the budget as submitted; and
 - (B) necessary to ~~maintain~~ **pay** the children's psychiatric residential treatment services of the county for the next fiscal year. ~~subject to the maximum levy set forth in IC 6-1.1-18.6.~~
- (2) Levy a tax in an amount necessary to produce the appropriated money.

SECTION 74. IC 12-19-7.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) If at any time the ~~county director~~ **department** determines that the children's psychiatric residential treatment services fund is exhausted or will be exhausted before the close of a fiscal year, the ~~county director~~ **department** shall prepare an estimate and statement showing the amount of money, in addition to the money already made available, that will be necessary to defray the expenses of the county office and pay the obligations of the ~~county office,~~ **department**, excluding administrative expenses and facilities, supplies, and equipment expenses for the ~~county office,~~ **department**, in the administration of the ~~county office's~~ **department's** activities for the unexpired part of the fiscal year.

- (b) The ~~county director~~ **department** shall do the following:
 - (1) Certify the estimate and statement to the county executive.
 - (2) File the estimate and statement with the county auditor.
 - (3) File the estimate and statement with the department of local government finance.**

SECTION 75. IC 12-19-7.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) The county executive shall consider and act upon an estimate and statement under section 14 of this chapter at:

- (1) the county executive's regular session immediately following the filing of the estimate and statement; or
- (2) a special session that is:
 - (A) called for the purpose of considering and acting upon the estimate and statement; and
 - (B) called before the executive's regular session described in subdivision (1).
- (b) The county executive shall, for and on behalf of the county, borrow sufficient money to carry out the purposes described in section 14 of this chapter if after consideration of the estimate and statement the county executive finds the following:

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(1) That the ~~county director~~ **department** has not ~~appealed~~ **certified a recommendation** to borrow money under IC 12-19-5. ~~or that the appeal has been denied.~~

(2) That the amount of money required, in addition to any money already available, to defray the expenses and pay the obligations of the county office in the administration of the county's children's psychiatric residential treatment services for the unexpired part of the fiscal year is greater than the amount of money that may be advanced from the general fund of the county.

(c) If the county executive fails to borrow sufficient money to carry out the purposes under section 14 of this chapter either under this chapter or IC 12-19-5, the department may appeal to the department of local government finance for a determination. A copy of the appeal must be filed with the county fiscal body. The department of local government finance shall immediately conduct a hearing in the county on an appeal filed under this subsection. If the department determines that insufficient money is available to carry out the purposes under section 14 of this chapter, the department of local government finance shall issue an appropriate order. The order may allow the county to reduce its general fund budget and transfer sufficient money to the fund or require the county to borrow money for the fund to carry out the purposes under section 14 of this chapter.

SECTION 76. IC 12-19-7.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. An ordinance adopted by the county fiscal body authorizing a loan under this chapter must do the following:

(1) Authorize the issuance of the bonds of the county to evidence the loan.

(2) Fix the following:

(A) The loan's maximum amount, which may **not** be less than the amount shown by the estimate of the ~~county director~~ **department**.

(B) The number of semiannual series in which the bonds are payable, which may not exceed twenty (20).

SECTION 77. IC 12-19-7.5-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 33. (a) A county auditor shall annually, not before January 1 and not later than March 31, determine the amount of any excess funds available in the county children's psychiatric treatment services fund based on the following formula:

STEP ONE: Determine the ending cash balance in the fund ~~in~~ **for**

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the preceding fiscal year.

STEP TWO: Calculate one-half (1/2) of the actual cost of providing children's psychiatric treatment services **for the preceding fiscal year.**

STEP THREE: Subtract the amount determined in STEP TWO from the amount determined in STEP ONE.

(b) ~~The county auditor shall transfer the amount determined in subsection (a) STEP THREE, if any, from the county children's psychiatric treatment services fund to the county general fund to be used to pay for the part of the care and maintenance of the inmates of the Plainfield juvenile correctional facility and the Indianapolis juvenile correctional facility that is charged back to the counties.~~

(b) If the county has a debt for juvenile per diem under IC 11-10-2-3, as determined by the budget agency, the lesser of the amount determined in subsection (a) STEP THREE or the actual debt shall be paid to the state within forty-five (45) days. If the county does not have juvenile debt, the funds remain in the children's psychiatric residential treatment services fund. Funds remaining in the children's psychiatric residential treatment services fund will be considered excess and used to reduce the succeeding year's levy.

SECTION 78. IC 12-24-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A superintendent who receives a written report of an alleged violation of section 3 of this chapter shall begin an investigation within twenty-four (24) hours after receipt of the written report.

(b) In accordance with IC 31-33, the superintendent shall report the alleged violation of section 3 of this chapter to either of the following:

(1) ~~The local department of child protection service established within the county office services~~ if the alleged victim is less than eighteen (18) years of age.

(2) The adult protective services unit designated under IC 12-10-3 if the alleged victim is at least eighteen (18) years of age.

SECTION 79. IC 20-19-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 5. Children's Social, Emotional, and Behavioral Health Plan

Sec. 1. The department of education, in cooperation with the department of child services, the department of correction, and the division of mental health and addiction, shall:

(1) develop and coordinate the children's social, emotional,

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and behavioral health plan that is to provide recommendations concerning:

- (A) comprehensive mental health services;
- (B) early intervention; and
- (C) treatment services;

for individuals from birth through twenty-two (22) years of age;

- (2) make recommendations to the state board, which shall adopt rules under IC 4-22-2 concerning the children's social, emotional, and behavioral health plan; and
- (3) conduct hearings on the implementation of the plan before adopting rules under this chapter.

Sec. 2. The children's social, emotional, and behavioral health plan shall recommend:

- (1) procedures for the identification and assessment of social, emotional, and mental health issues;
- (2) procedures to assist a child and the child's family in obtaining necessary services to treat social, emotional, and mental health issues;
- (3) procedures to coordinate provider services and interagency referral networks for an individual from birth through twenty-two (22) years of age;
- (4) guidelines for incorporating social, emotional, and behavioral development into school learning standards and education programs;
- (5) that social, emotional, and mental health screening be included as a part of routine examinations in schools and by health care providers;
- (6) procedures concerning the positive development of children, including:
 - (A) social, emotional, and behavioral development;
 - (B) learning; and
 - (C) behavioral health;
- (7) plans for creating a children's social, emotional, and behavioral health system with shared accountability among state agencies that will:
 - (A) conduct ongoing needs assessments;
 - (B) use outcome indicators and benchmarks to measure progress; and
 - (C) implement quality data tracking and reporting systems;
- (8) a state budget for children's social, emotional, and mental

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health prevention and treatment;

(9) how state agencies and local entities can obtain federal funding and other sources of funding to implement a children's social, emotional, and behavioral health plan;

(10) how to maintain and expand the workforce to provide mental health services for individuals from birth through twenty-two (22) years of age and families;

(11) how employers of mental health professionals may:

(A) improve employee job satisfaction; and

(B) retain employees;

(12) how to facilitate research on best practices and model programs for children's social, emotional, and behavioral health;

(13) how to disseminate research and provide training and educational materials concerning the children's social, emotional, and behavioral health program to:

(A) policymakers;

(B) practitioners; and

(C) the general public; and

(14) how to implement a public awareness campaign to:

(A) reduce the stigma of mental illness; and

(B) educate individuals:

(i) about the benefits of children's social, emotional, and behavioral development; and

(ii) how to access children's social, emotional, and behavioral development services.

SECTION 80. IC 25-11-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, unless the context otherwise requires:

(a) The term "person" means any individual, firm, partnership, limited liability company, or corporation.

(b) The term "collection agency" means and includes all persons engaging directly or indirectly and as a primary or secondary object, business, or pursuit, in soliciting claims for collection, or in the collection of claims owed or due or asserted to be owed or due to another, **including child support arrearages under IC 12-17-2**. The term "collection agency" also means and includes, but shall not be limited to, any person who sells, furnishes, or maintains a letter or written demand service, including stickers or coupon books, designed for the purpose of making demand on any debtor on behalf of any creditor for the payment of any claim wherein the person furnishing or maintaining such letter or written demand service, including stickers

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or coupon books, shall sell such services for a stated amount or for a percentage of money collected whether paid to the creditor or to the collection agency, or where such services may be rendered as a part of a membership in such collection agency regardless of whether or not a separate fee or percentage is charged. The term "collection agency" shall also include, but not be limited to, any individual, firm, partnership, limited liability company, or corporation who uses a fictitious name, or any name other than the individual's or entity's name, in the collection of accounts receivable with the intention of conveying to the debtor that a third person has been employed.

(c) The term "claim" means any obligation for the payment of money or its equivalent and any sum or sums owed or due or asserted to be owed or due to another, for which any person may be employed to demand payment and to collect or enforce payment thereof. The term "claim" also includes obligations for the payment of money in the form of conditional sales agreements, notwithstanding that the personal property sold thereunder, for which payment is claimed, may be or is repossessed in lieu of payment.

SECTION 81. IC 31-9-2-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 22.5. "Conduct a criminal history check", for purposes of IC 12-14-25.5, IC 31-19, IC 31-33, IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:**

(1) request the state police department to:

(A) release or allow inspection of a limited criminal history (as defined in IC 10-13-3-11) and juvenile history data (as defined in IC 10-13-4-4) concerning a person who is currently residing in a location designated by the department of child services or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location; and

(B) conduct a:

- (i) national fingerprint based criminal history background check in accordance with IC 10-13-3-39; or**
- (ii) national name based criminal history record check (as defined in IC 10-13-3-12.5) of a person described in clause (A) as provided by IC 10-13-3-27.5; and**

(2) collect each:

(A) substantiated report of child abuse or neglect reported in a jurisdiction where a probation officer, a caseworker, or the department of child services has reason to believe that a person described in subdivision (1)(A) resided; and

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(B) adjudication for a delinquent act described in IC 31-37-1-2 reported in a jurisdiction where a probation officer, a caseworker, or the department of child services has reason to believe a person described in subdivision (1)(A) resided.

SECTION 82. IC 31-9-2-38.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 38.5. "Department", for purposes of IC 31-19, IC 31-33, IC 31-34, and IC 31-40, has the meaning set forth in IC 31-33-1.5-1.**

SECTION 83. IC 31-9-2-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 40. "Director", for purposes of IC 31-33, IC 31-34, and IC 31-37, refers to the director of ~~the division of family and children:~~ **department of child services.**

SECTION 84. IC 31-9-2-130 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 130. "Title IV-D agency" means:

- ~~(1) the child support bureau created within the division of family and children as the single state agency to administer the child support provisions of Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669);~~
- (1) the bureau of child support established in the department of child services established by IC 31-33-1.5-8; or**
- (2) a designated agent of the ~~bureau~~ **department** described in subdivision (1).

SECTION 85. IC 31-16-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In a proceeding under IC 31-14 or IC 31-16-2 through IC 31-16-12 to establish, modify, or enforce a child support order, the court shall:

- (1) enter an order for immediate income withholding; and
- (2) modify any previously issued income withholding order that has not been activated under this chapter to provide for immediate income withholding.

(b) The court shall issue the income withholding order to the income payor not later than fifteen (15) calendar days after the court's determination.

(c) The income withholding order must order income payors to send to the ~~clerk of the court~~ **state central collection unit** or other person specified in the support order under:

- (1) IC 31-14-11-11;
- (2) IC 31-16-4; or
- (3) IC 31-16-9;

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the amount of income established by the court for child support at the time the order for child support is established, enforced, or modified.

(d) However, the court shall issue an income withholding order that will not become activated except upon the occurrence of the two (2) conditions described in section 2 of this chapter if:

- (1) the parties submit a written agreement providing for an alternative child support arrangement; or
- (2) the court determines that good cause exists not to require immediate income withholding.

(e) A finding of good cause under subsection (d)(2) must:

- (1) be written; and
- (2) include:
 - (A) all reasons why immediate income withholding is not in the best interests of the child; and
 - (B) if the case involves a modification of support, a statement that past support has been timely paid.

(f) The income withholding order must contain a statement that if the withholding order is activated, income payors will be ordered to send to the ~~clerk of the court~~ **state central collection unit** or other person specified in the support order under:

- (1) IC 31-14-11-11;
- (2) IC 31-16-4; or
- (3) IC 31-16-9;

the amount of income established by the court for child support.

SECTION 86. IC 31-16-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to the implementation of income withholding under an order issued under sections 1 and 3 of this chapter.

(b) If the Title IV-D agency or the court becomes aware that the obligor has an income payor to whom a notice has not been sent under subsection (c) or an income payor to whom notice of delinquent support has not been sent under subsection (c):

- (1) the Title IV-D agency in a case arising under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669); or
- (2) the court;

shall not later than fifteen (15) calendar days after becoming aware of an income payor send a written notice to the income payor that the withholding is binding on the income payor.

(c) The notice to an income payor under this section must contain a statement of the following:

- (1) That the income payor is required to withhold a certain amount of income from the obligor.

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- (2) That the total amount to be withheld under court order by the obligor's income payor from the obligor's income is the sum of:
- (A) the obligor's current child support obligation;
 - (B) an amount to be applied toward the liquidation of any arrearages; and
 - (C) an optional fee of two dollars (\$2), which is payable to and imposed at the option of the income payor, each time the income payor forwards income to the ~~clerk of the court state~~ **central collection unit** or other person specified in the notice; up to the maximum amount permitted under 15 U.S.C. 1673(b).
- (3) That the income payor shall:
- (A) forward the withheld income described in subdivision (2)(A) and (2)(B) to the ~~clerk of the court state~~ **central collection unit** or other person named in the notice at the same time that the obligor is paid; and
 - (B) include a statement identifying:
 - (i) each cause number;
 - (ii) the name of each obligor; and
 - (iii) the name of each payee with the withheld income forwarded by the income payor.
- (4) That withholding is binding upon the income payor until further notice from a Title IV-D agency.
- (5) That the obligor may recover from the income payor in a civil action an amount not less than one hundred dollars (\$100) if the income payor:
- (A) discharges the obligor from employment;
 - (B) refuses the obligor employment; or
 - (C) disciplines the obligor;
- solely because the income payor is required to forward income under this chapter.
- (6) That the income payor is liable for any amount that the income payor fails to forward under this chapter.
- (7) That withholding under this chapter has priority over any secured or unsecured claim on income except claims for federal, state, and local taxes.
- (8) That, if the income payor is required to withhold income from more than one (1) obligor, the income payor may:
- (A) combine in a single payment the withheld amounts for all obligors who have been ordered to pay the ~~same clerk state~~ **central collection unit** or other governmental agency; and
 - (B) separately identify the part of the single payment that is attributable to each individual obligor.

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(9) That if:

(A) there is more than one (1) order for withholding against a single obligor; and

(B) the obligor has insufficient disposable earnings to pay the amount required by all the orders;

the income payor shall distribute the withheld earnings pro rata among the entities entitled to receive earnings under the orders, giving priority to a current support withholding order. The income payor shall honor all withholdings to the extent that the total amount withheld does not exceed the limits imposed under 15 U.S.C. 1673(b).

(10) That the income payor shall implement withholding not later than the first pay date after fourteen (14) days following the date the notice was received.

(11) That the income payor shall:

(A) notify:

(i) the Title IV-D agency if the Title IV-D agency gives the notice under this section; or

(ii) the court if the court gives the notice under this section; when the obligor ceases employment or no longer receives income not later than ten (10) days after the employment or income ceases; and

(B) provide:

(i) the obligor's last known address; and

(ii) the name and address of the obligor's new income payor, if known.

SECTION 87. IC 31-16-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Whenever an income withholding order is to be:

- (1) activated in a case arising under section 5 of this chapter; or
- (2) implemented by a Title IV-D agency under section 3 of this chapter despite the absence of a withholding order in the support order;

the Title IV-D agency shall send a written notice to the obligor.

(b) The notice required under subsection (a) must contain a statement of the following:

- (1) Whether the obligor is delinquent in the payment of child support.
- (2) The amount of child support, if any, that the obligor is in arrears.
- (3) That a certain amount of income is to be:

(A) withheld under court order or action by the Title IV-D

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agency from the obligor's income; and

(B) forwarded to the ~~clerk of the court~~ **state central collection unit or other person named in the notice.**

(4) That the total amount to be withheld under court order or action by the Title IV-D agency by the obligor's income payor from the obligor's income is the sum of:

(A) the obligor's current monthly child support obligation;

(B) an amount to be applied toward the liquidation of any arrearages; and

(C) an optional fee of two dollars (\$2), which is payable to and imposed at the option of the income payor, each time the income payor forwards income to the clerk of the court or other person specified in the notice to the income payor under this chapter;

up to the maximum amount permitted under 15 U.S.C. 1673(b).

(5) That the provision for withholding applies to the receipt of any current or subsequent income.

(6) That the only basis for contesting activation of income withholding is a mistake of fact.

(7) That an obligor may contest the Title IV-D agency's determination to activate income withholding by making written application to the Title IV-D agency not later than twenty (20) days after the date the notice is mailed.

(8) That if the obligor contests the Title IV-D agency's determination to activate the income withholding order, the Title IV-D agency shall schedule an administrative hearing.

(9) That if the obligor does not contest the Title IV-D agency's determination to activate the income withholding order, the Title IV-D agency will activate income withholding.

(10) That income withholding will continue until a court or the Title IV-D agency terminates activation of income withholding.

SECTION 88. IC 31-16-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) If a petition to activate an income withholding order is filed under section 6(2) or 6(3) of this chapter, the court shall set a date for a hearing on the petition that is not later than twenty (20) days after the date the petition is filed. The court shall send a summons and a written notice to the obligor. The notice must contain a statement of the following:

(1) Whether the obligor is delinquent in the payment of child support.

(2) The amount of child support, if any, that the obligor is in arrears.

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(3) That a certain amount for the payment of current and past due child support is to be withheld each month from the obligor's income and forwarded to the ~~clerk of the court~~ **state central collection unit or other person named in the notice**.

(4) That the total amount to be withheld each month by the obligor's income payor from the obligor's income is the sum of:

- (A) the obligor's current monthly child support obligation;
- (B) an amount to be applied toward the liquidation of any arrearages; and
- (C) an optional fee of two dollars (\$2), which is payable to and imposed at the option of the income payor, each time the income payor forwards income to the ~~clerk of the court~~ **state central collection unit or other person named in the notice**;

up to the maximum amount permitted under 15 U.S.C. 1673(b).

(5) That the provision for withholding applies to receipt of any current or subsequent income.

(6) That any of the following constitutes a basis for contesting the withholding:

- (A) A mistake of fact.
- (B) The parties have submitted a written agreement providing for an alternative child support arrangement.
- (C) A court determines that good cause exists not to require immediate income withholding.

(7) That income withholding will continue until the activation of the income withholding order is terminated by the court.

(8) That if the obligor does not appear at the hearing, the court will activate the income withholding order.

(b) If:

- (1) the obligor does not appear at the hearing on the petition filed under section 6(2) or 6(3) of this chapter; or
- (2) the court grants the petition;

the court shall activate the income withholding order by mailing a written notice to the income payor as provided in section 10 of this chapter.

SECTION 89. IC 31-16-15-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) To activate or implement an income withholding order, in addition to the notice requirements imposed by sections 7 and 8 of this chapter:

- (1) the Title IV-D agency in a case arising under section 3 or 5 of this chapter; or
- (2) the court in a case arising under section 6 of this chapter;

shall mail a written notice to each income payor not later than fifteen

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(15) calendar days after the issuance of the income withholding order.

(b) The notice to each income payor must contain a statement of the following:

(1) That the income payor is required to withhold a certain amount of income from the obligor.

(2) That the total amount to be withheld each month by the obligor's income payor from the obligor's income is the sum of:

(A) the obligor's current monthly child support obligation;

(B) an amount to be applied toward the liquidation of any arrearages; and

(C) an optional fee of two dollars (\$2), which is payable to and imposed at the option of the income payor, each time the income payor forwards income to the ~~clerk of the court~~; **state central collection unit or other person named in the notice**;

up to the maximum amount permitted under 15 U.S.C. 1673(b).

(3) That the income payor shall:

(A) forward the withheld income described in subdivision (2)(A) and (2)(B) to the ~~clerk of the court or the~~ state central collection unit **or other person** named in the notice at the same time that the obligor is paid; and

(B) include a statement identifying:

(i) each cause number;

(ii) the Indiana support enforcement tracking system (SETS) case number;

(iii) the name of each obligor; ~~and~~

(iv) the name of each payee with the withheld income forwarded by the income payor; **and**

(v) the obligor's Social Security number.

(4) That withholding is binding upon the income payor until further notice.

(5) That the obligor may recover from the income payor in a civil action an amount not less than one hundred dollars (\$100) if the income payor:

(A) discharges the obligor from employment;

(B) refuses the obligor employment; or

(C) disciplines the obligor;

because the income payor is required to forward income under this chapter.

(6) That the income payor is liable for any amount that the income payor fails to forward under this chapter.

(7) That withholding under this chapter has priority over any secured or unsecured claim on income except claims for federal,

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state, and local taxes.

(8) That, if the income payor is required to withhold income from more than one (1) obligor, the income payor may:

(A) combine in a single payment the withheld amounts for all obligors who have been ordered to pay the ~~same clerk state~~ **central collection unit** or other governmental agency; and

(B) separately identify the part of the single payment that is attributable to each individual obligor.

(9) That if:

(A) there is more than one (1) order for withholding against a single obligor; and

(B) the obligor has insufficient disposable earnings to pay the amount required by all the orders;

the income payor shall distribute the withheld earnings pro rata among the entities entitled to receive earnings under the orders, giving priority to a current support withholding order, and shall honor all withholdings to the extent that the total amount withheld does not exceed the limits imposed under 15 U.S.C. 1673(b).

(10) That the income payor shall implement withholding not later than the first pay date after fourteen (14) days following the date the notice was received.

(11) That the income payor shall:

(A) notify:

(i) the Title IV-D agency in a case arising under section 5 of this chapter; or

(ii) the court in a case arising under section 1 or 6 of this chapter;

when the obligor terminates employment or ceases to receive other income not later than ten (10) days after termination; and

(B) provide:

(i) the obligor's last known address; and

(ii) the name and address of the obligor's new income payor if known.

SECTION 90. IC 31-16-15-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) An income payor that is required to withhold income under this chapter shall:

(1) forward income withheld for the payment of current and past due child support to the ~~clerk of the court~~, the state central collection unit or other person named in the notice at the same time that the obligor is paid;

(2) include a statement identifying:

(A) each cause number;

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(B) the Indiana support enforcement tracking system (ISETS) case number;

(C) the name of each obligor **and the obligor's Social Security number;** and

(D) the name of each payee with the withheld income forwarded by the income payor; and

(3) implement withholding not later than the first pay date after fourteen (14) days following the date the notice was received.

(b) The income payor may retain, in addition to the amount required to be forwarded to the ~~clerk of court~~ **state central collection unit** under subsection (a), a fee of two dollars (\$2) from the obligor's income each time the income payor forwards income to the ~~clerk of the court~~ **state central collection unit** or other person specified in the notice to an income payor under this chapter. If the income payor elects to withhold the fee, the amount to be withheld for the payment of current and past due child support must be reduced accordingly if necessary to avoid exceeding the maximum amount permitted to be withheld under 15 U.S.C. 1673(b).

SECTION 91. IC 31-16-15-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Except as provided in subsection (b), if the income payor is required to withhold income from more than one (1) obligor under this chapter, the income payor may:

(1) combine in a single payment the withheld amounts for all obligors who have been ordered to pay to the ~~same clerk~~ **state central collection unit** or other governmental agency; and

(2) separately identify the part of the single payment that is attributable to each individual obligor.

(b) If the income payor:

(1) is required to withhold income from more than one (1) obligor under this chapter; and

(2) employs more than fifty (50) employees;

the income payor shall make payments to the state central collection unit through electronic funds transfer **or through electronic or Internet access made available by the state central collection unit.**

(c) **The department of child services shall assess a civil penalty of twenty-five dollars (\$25) per obligor per pay period against an income payor that:**

(1) **is required to make a payment under subsection (b); and**

(2) **does not make the payment through electronic funds transfer or other means described in subsection (b).**

The department shall deposit the penalties into the state general

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SECTION 92. IC 31-19-2-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. **(a) This section does not apply to a petitioner for adoption who provides the licensed child placing agency or county office of family and children with the results of a criminal history check conducted:**

- (1) in accordance with IC 31-9-2-22.5; and**
- (2) not more than one (1) year before the date on which the petition is filed.**

(b) Every petitioner for adoption shall submit the necessary information, forms, or consents for:

- (1) a licensed child placing agency; or
- (2) the county office of family and children;

that conducts the inspection and investigation required for adoption of a child under ~~IC 31-19-8-1~~ **IC 31-19-8-5** to conduct a criminal history check **(as defined in IC 31-9-2-22.5)** of the petitioner as part of its investigation.

(c) The petitioner for adoption shall pay the fees and other costs of the criminal history check required under this section.

SECTION 93. IC 31-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) Except:**

(1) for:

- (A) a child sought to be adopted by a stepparent;
- (B) a child sought to be adopted by a ~~blood relative~~ **grandparent, an aunt, or an uncle;** or
- (C) a child received by the petitioner for adoption from an agency outside Indiana with the written consent of the division of family ~~and children;~~ **resources;** or

(2) if the court in its discretion, after a hearing held upon proper notice, has waived the requirement for prior written approval; a child may not be placed in a proposed adoptive home without the prior written approval of a licensed child placing agency or county office of family and children approved for that purpose by the division of family ~~and children;~~ **resources.**

(b) Except as provided in subsection (d), before giving prior written approval for placement in a proposed adoptive home of a child who is under the care and supervision of:

- (1) the juvenile court; or**
- (2) the department of child services;**

a licensed child placing agency or the department of child services shall conduct a criminal history check (as defined in IC 31-9-2-22.5) concerning the proposed adoptive parent and any

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other person who is currently residing in the proposed adoptive home.

(c) The prospective adoptive parent shall pay the fees and other costs of the criminal history check required under this section.

(d) A licensed child placing agency or the department of child services is not required to conduct a criminal history check (as defined in IC 31-9-2-22.5) if a prospective adoptive parent provides the licensed child placing agency or county office of family and children with the results of a criminal history check conducted:

- (1) in accordance with IC 31-9-2-22.5; and
- (2) not more than one (1) year before the date on which the licensed child placing agency or county office of family and children provides written approval for the placement.

SECTION 94. IC 31-33-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The purpose of this article is to:

- (1) encourage effective reporting of suspected or known incidents of child abuse or neglect;
- (2) provide ~~in each county an effective child protection service~~ **services** to quickly investigate reports of child abuse or neglect;
- (3) provide protection for an abused or a neglected child from further abuse or neglect;
- (4) provide rehabilitative services for an abused or a neglected child and the child's parent, guardian, or custodian; and
- (5) establish a centralized statewide child abuse registry and an automated child protection system.

SECTION 95. IC 31-33-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 1.5. Department of Child Services

Sec. 1. As used in this article, "department" refers to the department of child services established by section 2 of this chapter.

Sec. 2. (a) The department of child services is established.

(b) The governor shall appoint a director who is responsible for administering the department. The director:

- (1) serves at the governor's pleasure; and
- (2) is entitled to compensation set by the budget agency.

Sec. 3. The director may employ necessary personnel to carry out the department's responsibilities subject to:

- (1) the budget agency's approval under IC 4-12-1-13; and
- (2) IC 4-15-2.

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Sec. 4. The director shall determine the best manner of organizing the department to provide the necessary services throughout Indiana to fulfill the purposes of this article.

Sec. 5. One (1) time every three (3) months, the department shall submit a report to the budget committee and to the legislative council that provides data and statistical information regarding caseloads of child protection caseworkers. The report made to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 6. The report required under section 5 of this chapter must do the following:

- (1) Indicate the department's progress in recruiting, training, and retaining caseworkers.
- (2) Describe the methodology used to compute caseloads for each child protection caseworker.
- (3) Indicate whether the statewide average caseloads for child protection caseworkers exceed the caseload standards established by the department.
- (4) If the report indicates that average caseloads exceed caseload standards, include a written plan that indicates the steps that are being taken to reduce caseloads.
- (5) Identify, describe, and, if appropriate, recommend best management practices and resources required to achieve effective and efficient delivery of child protection services.

Sec. 7. The department is responsible for the following:

- (1) Providing child protection services under this article.
- (2) Providing and administering child abuse and neglect prevention services.
- (3) Providing and administering child services (as defined in IC 12-19-7-1).
- (4) Providing and administering family services (as defined in IC 31-9-2-45).
- (5) Providing family preservation services under IC 12-14-25.5.
- (6) Regulating and licensing the following under IC 12-17.4:
 - (A) Child caring institutions.
 - (B) Foster family homes.
 - (C) Group homes.
 - (D) Child placing agencies.
- (7) Administering the state's plan for the administration of Title IV-D of the federal Social Security Act (42 U.S.C. 651 et seq.).
- (8) Administering foster care services.

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(9) Administering independent living services (as described in 42 U.S.C. 677 et seq.).

(10) Administering adoption services.

Sec. 8. (a) The child support bureau is created within the department of child services. The bureau is charged with the administration of Title IV-D of the federal Social Security Act.

(b) The state's plan for the administration of Title IV-D must comply with all provisions of state law and with the federal statutes and regulations governing the program.

Sec. 9. (a) The bureau shall operate the state parent locator service. The bureau shall make all necessary requests and responses to the federal parent locator service and to the parent locator services of the other states.

(b) To carry out the bureau's responsibilities under this chapter, the bureau, through the parent locator service, may request information and assistance from a state, county, city, or town agency. Officers and employees of a state, county, city, or town agency shall cooperate with the bureau in determining the location of a parent who:

- (1) owes child support; or
- (2) has abandoned or deserted a child;

by providing the pertinent information relative to the location, income, and property of the parent, notwithstanding a statute making the information confidential.

(c) Notwithstanding a statute making the information confidential, each person doing business in Indiana shall provide the bureau or an agent of the bureau with the following information, if available, upon receipt of the certification described in subsection (d):

- (1) Full name of the parent.
- (2) Social Security number of the parent.
- (3) Date of birth of the parent.
- (4) Address of the parent's residence.
- (5) Amount of wages earned by the parent.
- (6) Number of dependents claimed by the parent on state and federal tax withholding forms.
- (7) Name and address of the parent's employer.
- (8) Name and address of any financial institution maintaining an account for the parent.
- (9) Address of any real property owned by the parent.
- (10) Name and address of the parent's health insurance carrier and health coverage policy number.

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(d) The parent locator service shall certify that the information requested in subsection (c) is for the purpose of locating a parent who owes child support or who has abandoned a child and that the information obtained is to be treated as confidential by the bureau and any other state to which the information is released.

(e) A business in Indiana and each unit of state and local government shall comply with an administrative subpoena issued by a Title IV-D agency in another jurisdiction. The information requested may not be provided unless the Title IV-D agency of the other jurisdiction certifies that the information will be treated as confidential. The business or unit of government shall provide the Title IV-D agency of the other jurisdiction with the information listed in subsection (c), if available, if requested in the subpoena, upon certification by the Title IV-D agency of the other jurisdiction that the information is for the purpose of locating a parent who owes child support or who has abandoned or deserted a child.

(f) A person may not knowingly refuse to give the bureau, the bureau's agents, or the Title IV-D agency of another jurisdiction the following:

(1) The name of a parent of a child for whom the state is providing public assistance.

(2) Information that may assist the parent locator service or other jurisdiction in locating the parent of a child.

(g) Information obtained under this section may not be used in a criminal prosecution against the informant.

(h) A person may not knowingly give the bureau or the Title IV-D agency of another jurisdiction the incorrect name of a parent of a child or knowingly give the parent locator service incorrect information on the parent's whereabouts for the purpose of concealing the identity of the real parent of the child or the location of the parent.

Sec. 10. (a) The department may establish a program to procure any of the services described in section 7 of this chapter under a procurement agreement administered by the department. The department may enter into procurement agreements that cover the delivery of one (1) or more categories of services to all the counties in a region determined by the department. An agreement may provide for payment from state funds appropriated for the purpose or direct billing of services to the county receiving the service.

(b) If the department enters into a procurement agreement covering a county, the county, including the county's juvenile court, shall procure all services covered by the procurement

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agreement in accordance with the regional procurement agreement and the policies prescribed by the department. With the approval of the department, a county may use services from an alternate provider.

(c) The costs incurred under a procurement agreement shall be shared by the counties covered by the procurement agreement. The department shall allocate the costs of a regional procurement agreement among the counties covered by the agreement in proportion to the use of the services by each county under the schedule prescribed by the department. A county shall pay the costs incurred under a procurement agreement from the:

(1) family and children's fund; or

(2) children's psychiatric residential treatment services fund; as appropriate.

(d) If the department pays the costs incurred under a procurement contract from state funds appropriated for the purpose, the department shall present a claim for reimbursement to the appropriate county auditor. The county executive shall review and allow the full amount of the claim in the manner provided in IC 36-2-6.

Sec. 11. The department may adopt rules under IC 4-22-2 necessary to carry out the department's or bureau's duties under this chapter.

Sec. 12. The department is the single state agency responsible for administering the following:

(1) Title IV-B of the federal Social Security Act under 42 U.S.C. 620 et seq.

(2) Title IV-E of the federal Social Security Act under 42 U.S.C. 670 et seq.

(3) The federal Child Abuse Prevention and Treatment Act under 42 U.S.C. 5106 et seq.

(4) The federal Social Services Block Grant under 42 U.S.C. 1397 et seq.

(5) Any other federal program that provides funds to states for services related to the prevention of child abuse and neglect, child welfare services, foster care, independent living, or adoption services.

SECTION 96. IC 31-33-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The ~~total child protection service~~ department:

(1) must have sufficient qualified and trained staff to fulfill the purpose of this article;

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(2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;

(3) must provide training to representatives of the child ~~protective~~ **protection** services system regarding the legal duties of the representatives, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and

(4) must provide training to representatives of the child ~~protective~~ **protection** services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Constitution of the State of Indiana.

(b) This section expires June 30, 2008.

SECTION 97. IC 31-33-2-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.3. (a) This section applies after June 30, 2008.**

(b) The department:

(1) must have sufficient qualified and trained staff to fulfill the purpose of this article;

(2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;

(3) must provide training to representatives of the child protection services system regarding the legal duties of the representatives, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and

(4) must provide training to representatives of the child protection services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article 1, Section 11 of the Constitution of the State of Indiana.

SECTION 98. IC 31-33-2-3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except in cases involving a child who may be a victim of institutional abuse or cases in which police investigation also appears appropriate, the ~~local child protection service~~ **department** is the primary public agency responsible for:

- (1) receiving;
- (2) investigating or arranging for investigation; and
- (3) coordinating;

the investigation of all reports of a child who may be a victim of known or suspected child abuse or neglect.

(b) In accordance with ~~the~~ a local plan for ~~the~~ child protection services, the ~~local child protection service~~ **department** shall, by juvenile court order:

- (1) provide protective services to prevent cases where a child may be a victim of further child abuse or neglect; and
- (2) provide for or arrange for and coordinate and monitor the provision of the services necessary to ensure the safety of children.

(c) Reasonable efforts must be made to provide family services designed to prevent a child's removal from the child's parent, guardian, or custodian.

SECTION 99. IC 31-33-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The ~~local child protection service~~ **department** shall give notice of the existence and location of photographs, x-rays, and physical medical examination reports to:

- (1) the **appropriate** prosecuting attorney; and
- (2) the appropriate law enforcement agency, if the law enforcement agency has not already received the items described in this section under IC 31-33-10-3.

SECTION 100. IC 31-33-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The ~~local child protection service~~ **department** shall cooperate with and shall seek and receive the cooperation of appropriate public and private agencies, including the following:

- (1) Law enforcement agencies.
- (2) The courts.
- (3) Organizations, groups, and programs providing or concerned with services related to the prevention, identification, or treatment of a child who may be a victim of child abuse or neglect.

(b) The ~~local child protection service~~ **department** shall also cooperate with public and private agencies, organizations, and groups

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that provide family services designed to prevent a child's removal from the child's home.

(c) Cooperation and involvement under this section may include the following:

- (1) Consultation services.
- (2) Planning.
- (3) Case management.
- (4) Public education and information services.
- (5) Utilization of each other's facilities, staff, and other training.

SECTION 101. IC 31-33-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) Notwithstanding any other law, the ~~child protection service~~ **department** may purchase and use the services of any public or private agency if adequate provision is made for continuity of care and accountability. ~~between the local protection service and the agency.~~

(b) If the ~~local child protection service~~ **department** purchases services under this article, the state shall reimburse the expenses, to the extent allowed by state and federal statutes, rules, and regulations, to the locality or agency in the same manner and to the same extent as if the services were provided directly by the ~~local child protection service.~~ **department.**

SECTION 102. IC 31-33-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The community child protection team is a communitywide, multidisciplinary child protection team. The team must include the following eleven (11) members:

- (1) The director of the ~~local child protection service~~ **county office of family and children** or the **county office** director's designee.
- (2) Two (2) designees of the juvenile court judge.
- (3) The county prosecuting attorney or the prosecuting attorney's designee.
- (4) The county sheriff or the sheriff's designee.
- (5) Either:
 - (A) the president of the county executive in a county not containing a consolidated city or the president's designee; or
 - (B) the executive of a consolidated city in a county containing a consolidated city or the executive's designee.
- (6) A director of a court appointed special advocate or guardian ad litem program or the director's designee in the county in which the team is to be formed.
- (7) Either:
 - (A) a public school superintendent or the superintendent's

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designee; or

(B) a director of a local special education cooperative or the director's designee.

(8) Two (2) persons, each of whom is a physician or nurse, with experience in pediatrics or family practice.

(9) One (1) citizen of the community.

(b) The director of the county office of family and children shall appoint, subject to the approval of the director of the ~~division of family and children, department~~, the members of the team under subsection (a)(7), (a)(8), and (a)(9).

SECTION 103. IC 31-33-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The community child protection team shall meet:

(1) at least one (1) time each month; or

(2) at the times that the team's services are needed by the ~~child protection service~~ **department**.

(b) Meetings of the team shall be called by the majority vote of the members of the team.

(c) The team coordinator or at least two (2) other members of the team may determine the agenda.

(d) Notwithstanding IC 5-14-1.5, meetings of the team are open only to persons authorized to receive information under this article.

SECTION 104. IC 31-33-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The community child protection team:

(1) shall provide diagnostic and prognostic services for the ~~local child protection service~~ **department** or the juvenile court; and

(2) may recommend to the ~~local child protection service~~ **department** that a petition be filed in the juvenile court on behalf of the subject child if the team believes this would best serve the interests of the child.

SECTION 105. IC 31-33-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The community child protection team may receive and review:

(1) any case that the ~~local child protection service~~ **department** has been involved in within the county where the team presides; and

(2) complaints regarding child abuse and neglect cases that are brought to the team by a person or an agency.

SECTION 106. IC 31-33-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The local plan must describe the ~~county office of family and children's~~ **department's**

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implementation of this article, including the following:

- (1) Organization.
- (2) Staffing.
- (3) Mode of operations.
- (4) Financing of the child protection services.
- (5) The provisions made for the purchase of service and interagency relations.

SECTION 107. IC 31-33-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral report to:

- (1) the ~~local child protection service~~; **department**; or
- (2) the local law enforcement agency.

SECTION 108. IC 31-33-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The ~~local child protection service~~ **department** shall arrange for receipt, on a twenty-four (24) hour, seven (7) day per week basis, of all reports under this article of suspected child abuse or neglect.

SECTION 109. IC 31-33-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. To carry out section 1 of this chapter, ~~a local child protection service~~ **the department** must use a phone access system for receiving calls that is standardized among all counties. The ~~division of family and children~~ **department** shall adopt rules under IC 4-22-2 for the administration of this section.

SECTION 110. IC 31-33-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~Each local child protection service~~ **The department** shall cause to be inserted in each local telephone directory in the county a listing of the child abuse hotline's telephone number under the name "child abuse hotline". The child abuse hotline number under this section must be included with the other emergency numbers listed in the directory.

SECTION 111. IC 31-33-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The ~~local child protection service~~ **department** shall make a written report of a child who may be a victim of child abuse or neglect not later than forty-eight (48) hours after receipt of the oral report required of individuals by IC 31-33-5-4.

(b) Written reports under this section must be made on forms supplied by the administrator. The written reports must include, if known, the following information:

- (1) The names and addresses of the following:
 - (A) The child.

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- (B) The child's parents, guardian, custodian, or other person responsible for the child's care.
- (2) The child's age and sex.
- (3) The nature and apparent extent of the child's injuries, abuse, or neglect, including any evidence of prior:
 - (A) injuries of the child; or
 - (B) abuse or neglect of the child or the child's siblings.
- (4) The name of the person allegedly responsible for causing the injury, abuse, or neglect.
- (5) The source of the report.
- (6) The person making the report and where the person can be reached.
- (7) The actions taken by the reporting source, including the following:
 - (A) Taking of photographs and x-rays.
 - (B) Removal or keeping of the child.
 - (C) Notifying the coroner.
- (8) The written documentation required by IC 31-34-2-3 if a child was taken into custody without a court order.
- (9) Any other information that:
 - (A) the director requires by rule; or
 - (B) the person making the report believes might be helpful.

SECTION 112. IC 31-33-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. A copy of the written report of the ~~local child protection service~~ **department** shall immediately be made available to:

- (1) the appropriate law enforcement agency;
- (2) the prosecuting attorney; and
- (3) in a case involving death, the coroner for the coroner's consideration.

SECTION 113. IC 31-33-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Upon receiving a written report under section 5(3) of this chapter, the coroner shall:

- (1) accept a report for investigation; and
- (2) report the coroner's findings to:
 - (A) the appropriate law enforcement agency;
 - (B) the prosecuting attorney;
 - (C) the ~~local child protection service~~ **department**; and
 - (D) the hospital if the institution making the report is a hospital.

SECTION 114. IC 31-33-7-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. Child abuse or

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neglect information may be expunged under IC 31-39-8 if the probative value of the information is so doubtful as to outweigh its validity. Child abuse or neglect information shall be expunged if it is determined to be unsubstantiated after:

- (1) an investigation **by the department** of a report of a child who may be a victim of child abuse or neglect; ~~by the child protection service;~~ or
- (2) a court proceeding.

SECTION 115. IC 31-33-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) When a law enforcement agency receives an initial report under IC 31-33-5-4 that a child may be a victim of child abuse or neglect, the law enforcement agency shall:

- (1) immediately communicate the report to the ~~local child protection service;~~ **department**, whether or not the law enforcement agency has reason to believe there exists an imminent danger to the child's health or welfare; and
- (2) conduct an immediate, onsite investigation of the report along with the ~~local child protection service~~ **department** whenever the law enforcement agency has reason to believe that an offense has been committed.

(b) In all cases, the law enforcement agency shall forward any information, including copies of investigation reports, on incidents of cases in which a child may be a victim of child abuse or neglect, whether or not obtained under this article, to:

- (1) the ~~local child protection agency;~~ **department**; and
- (2) the juvenile court under IC 31-34-7.

SECTION 116. IC 31-33-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section applies if the ~~local child protection service~~ **department** receives a report of suspected child abuse or neglect from:

- (1) a hospital;
- (2) a community mental health center;
- (3) a managed care provider (as defined in IC 12-7-2-127(b));
- (4) a referring physician;
- (5) a dentist;
- (6) a licensed psychologist; or
- (7) a school.

(b) Not later than thirty (30) days after the date ~~a local child protection service~~ **the department** receives a report of suspected child abuse or neglect from a person described in subsection (a), the ~~child protection service~~ **department** shall send a report to:

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- (1) the administrator of the hospital;
- (2) the community mental health center;
- (3) the managed care provider;
- (4) the referring physician;
- (5) the dentist; or
- (6) the principal of the school.

The report must contain the items listed in subsection (e) that are known at the time the report is sent.

(c) Not later than ninety (90) days after the date ~~a local child protection service~~ **the department** receives a report of suspected child abuse or neglect, the ~~local child protection service~~ **department** shall send a report that contains any additional items listed in subsection (e) that were not covered in the prior report if available.

(d) The administrator, director, referring physician, dentist, licensed psychologist, or principal may appoint a designee to receive the report.

(e) A report made by the ~~local child protection service~~ **department** under this section must contain the following information:

- (1) The name of the alleged victim of child abuse or neglect.
- (2) The name of the alleged perpetrator and the alleged perpetrator's relationship to the alleged victim.
- (3) Whether the case is closed.
- (4) Whether information concerning the case has been expunged.
- (5) The name of any agency to which the alleged victim has been referred.
- (6) Whether the ~~local child protection service~~ **department** has made an investigation of the case and has not taken any further action.
- (7) Whether a substantiated case of child abuse or neglect was informally adjusted.
- (8) Whether the alleged victim was referred to the juvenile court as a child in need of services.
- (9) Whether the alleged victim was returned to the victim's home.
- (10) Whether the alleged victim was placed in residential care outside the victim's home.
- (11) Whether a wardship was established for the alleged victim.
- (12) Whether criminal action is pending or has been brought against the alleged perpetrator.
- (13) A brief description of any casework plan that has been developed by the ~~child protection service~~ **department**.
- (14) The caseworker's name and telephone number.
- (15) The date the report is prepared.
- (16) Other information that the ~~division of family and children~~

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department may prescribe.

(f) A report made under this section:

(1) is confidential; and

(2) may be made available only to:

(A) the agencies named in this section; and

(B) the persons and agencies listed in IC 31-33-18-2.

SECTION 117. IC 31-33-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The ~~local child protection service~~ **department** shall initiate an immediate and appropriately thorough child protection investigation of every report of known or suspected child abuse or neglect the ~~local child protection service~~ **department** receives, whether in accordance with this article or otherwise.

(b) Subject to subsections (d) and (e), if the report alleges a child may be a victim of child abuse, the investigation shall be initiated immediately, but not later than twenty-four (24) hours after receipt of the report.

(c) Subject to subsections (d) and (e), if reports of child neglect are received, the investigation shall be initiated within a reasonably prompt time, but not later than five (5) days, with the primary consideration being the well-being of the child who is the subject of the report.

(d) If the immediate safety or well-being of a child appears to be endangered or the facts otherwise warrant, the investigation shall be initiated regardless of the time of day.

(e) If the ~~child protection service~~ **department** has reason to believe that the child is in imminent danger of serious bodily harm, the ~~child protection service~~ **department** shall initiate within one (1) hour an immediate, onsite investigation.

SECTION 118. IC 31-33-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Upon the receipt of each report under this chapter of known or suspected child abuse, the ~~local child protection service~~ **department** shall contact the law enforcement agency in the appropriate jurisdiction.

(b) The law enforcement agency, with the ~~local child protection service~~, **department**, shall conduct an immediate onsite investigation of the report if the law enforcement agency has reason to believe that an offense has been committed. The law enforcement agency shall investigate the alleged child abuse or neglect under this chapter in the same manner that the law enforcement agency conducts any other criminal investigation.

SECTION 119. IC 31-33-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except as

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provided in subsection (b), the ~~local child protection service~~ **department** shall:

- (1) cause color photographs to be taken of the areas of trauma visible on a child who is subject to a report; and
- (2) if medically indicated, cause a radiological examination of the child to be performed.

(b) If the law enforcement agency participates in the investigation, the law enforcement agency shall cause the color photographs to be taken as provided by this section.

(c) The ~~division of family and children~~ **department** shall reimburse the expenses of the photographs and x-rays.

SECTION 120. IC 31-33-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The ~~local child protection service~~ **department** shall immediately forward a copy of all reports made under this article to the appropriate prosecuting attorney if the prosecuting attorney has made a prior request to the service in writing for the copies.

SECTION 121. IC 31-33-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The ~~local child protection service~~ **department** shall promptly make a thorough investigation upon either the oral or written report. The primary purpose of the investigation is the protection of the child.

SECTION 122. IC 31-33-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The ~~local child protection service's~~ **department's** investigation, to the extent that is reasonably possible, must include the following:

- (1) The nature, extent, and cause of the known or suspected child abuse or neglect.
- (2) The identity of the person allegedly responsible for the child abuse or neglect.
- (3) The names and conditions of other children in the home.
- (4) An evaluation of the parent, guardian, custodian or person responsible for the care of the child.
- (5) The home environment and the relationship of the child to the parent, guardian, or custodian or other persons responsible for the child's care.
- (6) All other data considered pertinent.

(b) The investigation may include the following:

- (1) A visit to the child's home.
- (2) An interview with the subject child.
- (3) A physical, psychological, or psychiatric examination of any child in the home.

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(c) If:

- (1) admission to the home, the school, or any other place that the child may be; or
- (2) permission of the parent, guardian, custodian, or other persons responsible for the child for the physical, psychological, or psychiatric examination;

under subsection (b) cannot be obtained, the juvenile court, upon good cause shown, shall follow the procedures under IC 31-32-12.

SECTION 123. IC 31-33-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) If, before the investigation is complete, the opinion of the law enforcement agency or the ~~local child protection service~~ **department** is that immediate removal is necessary to protect the child from further abuse or neglect, the juvenile court may issue an order under IC 31-32-13.

(b) The ~~child protection service~~ **department** shall make a complete written report of the investigation.

(c) If a law enforcement agency participates in the investigation, the law enforcement agency shall also make a complete written report of the investigation.

SECTION 124. IC 31-33-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The ~~local child protection service's~~ **department's** report under section 8 of this chapter shall be made available to:

- (1) the appropriate court;
- (2) the prosecuting attorney; or
- (3) the appropriate law enforcement agency;

upon request.

(b) If child abuse or neglect is substantiated after an investigation is conducted under section 7 of this chapter, the ~~local child protection service~~ **department** shall forward its report to the office of the prosecuting attorney having jurisdiction in the county in which the alleged child abuse or neglect occurred.

(c) If the investigation substantiates a finding of child abuse or neglect as determined by the ~~local child protection service;~~ **department**, a report shall be sent to the coordinator of the community child protection team under IC 31-33-3.

SECTION 125. IC 31-33-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. In all cases, the law enforcement agency shall release information on an incident in which a child may be a victim of alleged child abuse or neglect, whether obtained under this article or not, to the ~~local child protection service;~~ **department**.

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SECTION 126. IC 31-33-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) Upon completion of an investigation, the ~~local child protection service~~ **department** shall classify reports as substantiated, indicated, or unsubstantiated.

(b) Except as provided in subsection (c), ~~a local child protection service~~ **the department** shall expunge investigation records one (1) year after a report has been classified as indicated under subsection (a).

(c) If ~~a local child protection service~~ **the department** has:

(1) classified a report under subsection (a) as indicated; and

(2) not expunged the report under subsection (b);

and the subject of the report is the subject of a subsequent report, the one (1) year period in subsection (b) is tolled for one (1) year after the date of the subsequent report.

SECTION 127. IC 31-33-8-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. Whenever:

(1) an arrest relating to child abuse or neglect is made, the law enforcement agency that makes the arrest;

(2) criminal charges relating to child abuse or neglect are filed, the court in which the charges are filed;

(3) a child in need of services determination is made, the ~~local child protection service that files the petition upon which the determination is based;~~ **department;**

(4) a court approves a program of informal adjustment under IC 31-34-8 arising out of a child abuse or neglect report, the ~~appropriate child protection service;~~ **department;** or

(5) a person who is accused of child abuse or neglect:

(A) enters into a services referral agreement; and

(B) fails to substantially comply with the terms of the services referral agreement;

under IC 31-33-13, the ~~local child protection service that obtains the agreement from the person;~~ **department;**

shall transmit to the registry, not more than five (5) working days after the circumstances described by subdivisions (1) through (5) occur, the relevant child abuse or neglect report.

SECTION 128. IC 31-33-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Through a written protocol or agreement, the ~~division of family and children~~ **department** shall designate the public or private agencies primarily responsible for investigating reports involving a child who:

(1) may be a victim of child abuse or neglect; and

(2) is under the care of a public or private institution.

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(b) The designated agency must be different from and separately administered from the agency involved in the alleged act or omission. Subject to this limitation, the agency:

(1) may be:

- (A) the ~~division of family and children~~ **department**; or
- ~~(B) the local child protection service~~; or
- ~~(C)~~ **(B)** a law enforcement agency; and

(2) may not be the office of the prosecuting attorney.

SECTION 129. IC 31-33-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The protocol or agreement must describe the specific terms or conditions of the designation, including the following:

- (1) The manner in which reports of a child who may be a victim of child abuse or neglect and who is under the care of a public or private institution will be received.
- (2) The manner in which the reports will be investigated.
- (3) The remedial action that will be taken.
- (4) The manner in which the ~~division of family and children~~ **department** will be kept fully informed on the progress, findings, and disposition of the investigation.

SECTION 130. IC 31-33-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. To fulfill the purposes of this chapter, the ~~division of family and children~~ **department** may purchase the services of the public or private agency designated to investigate reports of child abuse or neglect.

SECTION 131. IC 31-33-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~division of family and children~~ **department** shall reimburse the reasonable cost of photographs, x-rays, or physical medical examinations made under this chapter.

SECTION 132. IC 31-33-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. All photographs taken and a summary of x-rays and other medical care shall be sent to the ~~local child protection service~~ **department** and, upon request, to a law enforcement agency that investigates the alleged child abuse or neglect, at the time the written report is sent or as soon thereafter as possible. The ~~local child protection service~~ **department** shall give notice of the existence of photographs, x-rays, and physical medical examination reports in accordance with IC 31-33-2-4.

SECTION 133. IC 31-33-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Whenever:

- (1) a child is subject to investigation by a ~~local child protection~~

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~~service~~ **the department** for reported child abuse or neglect;

(2) the child is a patient in a hospital; and

(3) the hospital has reported or has been informed of the report and investigation;

the hospital may not release the child to the child's parent, guardian, custodian, or to a court approved placement until the hospital receives authorization or a copy of a court order from the ~~investigating local child protection service~~ **department** indicating that the child may be released to the child's parent, guardian, custodian, or court approved placement.

(b) If the authorization that is granted under this section is verbal, the ~~investigating local child protection service~~ **department** shall send a letter to the hospital confirming that the ~~local child protection service~~ **department** has granted authorization for the child's release.

(c) The individual or third party payor responsible financially for the hospital stay of the child remains responsible for any extended stay under this section. If no party is responsible for the extended stay, the ~~division of family and children~~ **department** shall pay the expenses of the extended hospital stay.

SECTION 134. IC 31-33-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Based on the investigation and evaluation conducted under this article, the ~~local child protection service~~ **department** shall offer to the family or any child believed to be suffering from child abuse or neglect:

(1) family services;

(2) rehabilitative services; or

(3) both types of services;

that appear appropriate for either the child or the family.

SECTION 135. IC 31-33-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. Before offering services under section 1 of this chapter to a family, the ~~local child protection service~~ **department**:

(1) shall explain that the ~~local child protection service~~ **department** has no legal authority to compel the family to receive the social services; and

(2) may inform the family of the obligations and authority of the ~~local child protection service~~ **department** to petition a juvenile court for a proceeding alleging that the child may be a victim of child abuse or neglect.

SECTION 136. IC 31-33-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The ~~local child protection service~~ **department** shall coordinate, provide or arrange for,

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and monitor, as authorized by this article and IC 12, family or rehabilitative services, or both types of services, for a child and the child's family on a voluntary basis or under an order of the court, subject to IC 31-34-11 and IC 31-34-18.

SECTION 137. IC 31-33-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies if:

- (1) a child abuse or neglect report is classified as substantiated;
- (2) the ~~local child protection service~~ **department** does not seek court involvement under IC 31-34; and
- (3) the ~~local child protection service~~ **department** recommends voluntary participation in family or rehabilitative services for not more than six (6) months.

SECTION 138. IC 31-33-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person who is accused of child abuse or neglect may enter into a voluntary services referral agreement with the ~~local child protection service~~ **department** under this chapter. Under the terms of the agreement, the person shall successfully participate in and complete any family or rehabilitative services recommended by the ~~local child protection service~~ **department**.

SECTION 139. IC 31-33-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. If a person who enters into an agreement under section 2 of this chapter (or IC 31-6-11-13.5(b) before its repeal) fails to substantially carry out the terms of the agreement, the ~~local child protection service~~ **department** shall:

- (1) terminate the agreement; and
- (2) ~~forward~~ **enter** the child abuse or neglect report relating to the person ~~to the division of family and children for entry~~ into the registry under IC 31-33-17.

SECTION 140. IC 31-33-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Before a person enters into a services referral agreement under this chapter, the ~~local child protection service~~ **department** shall advise the person, orally and in writing, that the ~~division of family and children~~ **department** shall enter information contained in the child abuse or neglect report that gave rise to the service referral agreement into the registry as provided under IC 31-33-17 if the person fails to substantially comply with the terms of the agreement.

SECTION 141. IC 31-33-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The ~~local child~~

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~~protection service~~ **department** shall provide a court with access to information relating to a services referral agreement whenever the court:

- (1) approves a program of informal adjustment; or
- (2) presides over a child in need of services proceeding;

involving the same person or family to whom services were recommended under the services referral agreement.

SECTION 142. IC 31-33-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. If the ~~local child protection services~~ **department** determines that the best interests of the child require action in the juvenile or criminal court, the ~~local child protection service~~ **department** shall:

- (1) refer the case to the juvenile court under IC 31-34-7; or
- (2) make a referral to the prosecuting attorney if criminal prosecution is desired.

SECTION 143. IC 31-33-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~local child protection service~~ **department** shall assist the juvenile court or the court having criminal jurisdiction during all stages of the proceedings in accordance with the purposes of this article.

SECTION 144. IC 31-33-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The ~~division of family and children~~ **department** shall establish and maintain a centralized, computerized child abuse registry for the purpose of organizing and accessing data regarding substantiated reports of child abuse and neglect described under section 2 of this chapter that the ~~division of family and children~~ **department** receives from throughout Indiana under this article.

SECTION 145. IC 31-33-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~division of family and children~~ **department** shall enter a substantiated report into the registry only if at least one (1) of the following applies:

- (1) An arrest of the alleged perpetrator of the child abuse or neglect is made.
- (2) Criminal charges are filed in state or federal court against the alleged perpetrator of the child abuse or neglect.
- (3) A court determines that a child is a child in need of services based on a report of child abuse or neglect.
- (4) A court approves a program of informal adjustment relating to the child abuse or neglect report under IC 31-34-8.
- (5) A person does not substantially comply with the terms of a services referral agreement under IC 31-33-13.

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SECTION 146. IC 31-33-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The ~~division of family and children~~ **department** may not enter an unsubstantiated report into the registry.

SECTION 147. IC 31-33-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The ~~division of family and children~~ **department** shall store data regarding the child abuse or neglect reports in a manner so that the data is accessible under the following if known:

- (1) The child's name.
- (2) The child's date of birth.
- (3) The alleged perpetrator's name.
- (4) The child's mother's name.
- (5) The child's father's name.
- (6) The name of a sibling of the child.
- (7) The name of the child's guardian or custodian if applicable.

SECTION 148. IC 31-33-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The ~~division of family and children~~ **department** shall adopt rules under IC 4-22-2 for the purpose of ensuring that the confidentiality and access to reports of child abuse or neglect are maintained as provided in this chapter.

SECTION 149. IC 31-33-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Upon request, a person or an organization may have access to information contained in the registry as follows:

- (1) A law enforcement agency or ~~local child protective service~~ **the department** may have access to a substantiated report.
- (2) A person may have access to information consisting of an identifiable notation of a conviction arising out of a report of child abuse or neglect.
- (3) Upon submitting written verification of an application for employment or a consent for release of information signed by a child care provider, a person or an agency may obtain the following information contained in the child abuse registry regarding an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children less than eighteen (18) years of age or regarding a child care provider who is providing or may provide child care for the person's child:
 - (A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged

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perpetrator.

(B) Whether criminal charges were filed against the applicant, volunteer, or child care provider based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the applicant, volunteer, or child care provider based on a report of child abuse or neglect in which the applicant, volunteer, or child care provider is named as the alleged perpetrator.

(4) A person may have access to whatever information is contained in the registry pertaining to the person, with protection for the identity of:

(A) the person who reports the alleged child abuse or neglect; and

(B) any other appropriate person.

(5) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may also have access to information contained in the registry.

(6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges were filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

(7) The ~~division of family and children~~ **department** may use the following information contained in the registry regarding an individual described in IC 12-17.2-3.5-4.1(a) for purposes of determining the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3):

(A) Whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

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(B) Whether criminal charges have been filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

The ~~division of family and children~~ **department** may not disclose information used in connection with the ~~division's~~ **department's** activities under this subdivision.

SECTION 150. IC 31-33-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The ~~division of family and children~~ **department** shall administer the registry and ~~each local child protection service shall administer~~ the automated child protection system under IC 31-33-20 in a manner that enables the ~~division of family and children or each local child protection service~~ **department** to do the following:

(1) Immediately identify and locate prior reports of child abuse or neglect through the use of the ~~division of family and children's~~ **department's**:

(A) computerized tracking system; and

~~the local child protection service's~~ (B) automated risk assessment system.

(2) Track steps in the investigative process to ensure compliance with all requirements for a report of child abuse and neglect.

(3) Maintain and produce aggregate statistical reports monitoring patterns of child abuse and neglect that the ~~division of family and children~~ **department** shall make available to the public upon request.

(4) Serve as a resource for the evaluation, management, and planning of preventative and remedial services to children who have been subject to child abuse or neglect.

SECTION 151. IC 31-33-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section does not apply to substantiated cases if a court determines that a child is a child in need of services based on a report of child abuse or neglect that names the alleged perpetrator as the individual who committed the alleged child abuse or neglect.

(b) Not later than thirty (30) days after the ~~division of family and children~~ **department** enters a substantiated child abuse or neglect report into the registry, the ~~division of family and children~~ **department** shall notify:

(1) the parent, guardian, or custodian of the child who is named

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in the report as the victim of the child abuse or neglect; and
 (2) the alleged perpetrator, if other than the child's parent, guardian, or custodian, named in the report under IC 31-33-5-4; that the ~~division of family and children~~ **department** has entered the report into the registry.

(c) The ~~division of family and children~~ **department** shall state the following in a notice to an alleged perpetrator of a substantiated report under subsection (b):

- (1) The report has been classified as substantiated.
- (2) The alleged perpetrator may request that a substantiated report be amended or expunged at an administrative hearing if the alleged perpetrator does not agree with the classification of the report unless a court is in the process of making a determination described in IC 31-33-19.
- (3) The alleged perpetrator's request for an administrative hearing to contest the classification of a substantiated report must be received by the ~~division of family and children~~ **department** not more than thirty (30) days after the alleged perpetrator receives the notice.

(d) If the alleged perpetrator fails to request an administrative hearing within the time specified in subsection (c)(3), the alleged perpetrator named in a substantiated report may request an administrative hearing to contest the classification of the report if the alleged perpetrator demonstrates that the failure to request an administrative hearing was due to excusable neglect or fraud. The Indiana Rules of Civil Procedure provide the standard for excusable neglect or fraud.

SECTION 152. IC 31-33-17-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) Whenever a court grants a name change under IC 34-28-2 (or IC 34-4-6 before its repeal) to a person:

- (1) against whom an allegation of child abuse or neglect has been substantiated; and
- (2) whose name is maintained within the registry in accordance with this chapter;

the person must notify the ~~division of family and children~~ **department** regarding the name change not more than ten (10) business days after the court enters a decree changing the person's name.

(b) The notice must include a copy of the decree of the court that changes the name of the person, certified under the seal of the clerk of court.

SECTION 153. IC 31-33-18-1 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as provided in section 1.5 of this chapter, the following are confidential:

- (1) Reports made under this article (or IC 31-6-11 before its repeal).
- (2) Any other information obtained, reports written, or photographs taken concerning the reports in the possession of:
 - (A) the division of family ~~and children~~; **resources**;
 - (B) the county office of family and children; or
 - (C) the ~~local child protection service~~; **department**.

(b) Except as provided in section 1.5 of this chapter, all records held by:

- (1) the division of family ~~and children~~; **resources**;
- (2) a county office of family and children;
- ~~(3) a local child protection service;~~
- (3) the department;**
- (4) a local child fatality review team established under IC 12-13-15; or
- (5) the statewide child fatality review committee established under IC 12-13-15.1-6;

regarding the death of a child determined to be a result of abuse, abandonment, or neglect are confidential and may not be disclosed.

SECTION 154. IC 31-33-18-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) This section applies to records held by:

- (1) the division of family ~~and children~~; **resources**;
- (2) a county office of family and children;
- ~~(3) a local child protection service;~~
- (3) the department;**
- (4) a local child fatality review team established under IC 12-13-15; or
- (5) the statewide child fatality review committee established under IC 12-13-15.1-6;

regarding ~~the death of a child determined to be a~~ **whose death or near fatality may have been the** result of abuse, abandonment, or neglect.

(b) For purposes of subsection (a), a child's death or near fatality may have been the result of abuse, abandonment, or neglect if:

- (1) an entity described in subsection (a) determines that the child's death or near fatality is the result of abuse, abandonment, or neglect; or**
- (2) a prosecuting attorney files:**
 - (A) an indictment or information; or**

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(B) a complaint alleging the commission of a delinquent act;

that, if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the county in which the child's death or near fatality occurred shall determine whether the allegations contained in the indictment, information, or complaint described in subdivision (2), if proven, would cause a reasonable person to believe that the child's death or near fatality may have been the result of abuse, abandonment, or neglect.

(b) (c) As used in this section:

(1) "identifying information" means information that identifies an individual, including an individual's:

(1) (A) name, address, date of birth, occupation, place of employment, and telephone number;

(B) employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;

(2) (C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;

(3) (D) unique electronic identification number, address, or routing code;

(4) (E) telecommunication identifying information; or

(5) (F) telecommunication access device, including a card, a plate, a code, a telephone number, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access; and

(2) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

(c) (d) Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses of copying the record.

(d) (e) When a person requests a record described in subsection (a), the entity having control of the record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred.

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However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

~~(e)~~ **(f)** Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude:

(1) identifying information described in subsection (c)(1)(B) through (c)(1)(F) of a person; and

or other information not relevant to establishing the facts and circumstances leading to the death of the child. However, the court shall not redact the record to exclude information that relates to an employee of the division of family and children, an employee of a county office of family and children, or an employee of a local child protection service.

(2) all identifying information of a child less than eighteen (18) years of age.

~~(f)~~ **(g)** The court shall disclose the record redacted in accordance with subsection ~~(e)~~ **(f)** to any person who requests the record, if the person has paid:

(1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and

(2) to the court, the reasonable expenses of copying the record.

~~(g)~~ **(h)** The court's determination under subsection ~~(e)~~ **(f)** that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death **or near fatality** of a child is not admissible in a criminal proceeding or civil action.

SECTION 155. IC 31-33-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.

(2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.

(3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.

(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective

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custody if:

- (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
 - (B) the individual requires the information in the report or record to determine whether to place the child in protective custody.
- (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.
- (7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.
- (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.
- (9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.
- (10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.
- (11) An appropriate state or local official responsible for ~~the child protective service~~ **protection services** or legislation carrying out the official's official functions.
- (12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.
- (13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

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(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the division of family ~~and children~~, **resources**, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 12-13-15-6.

(17) The statewide child fatality review committee established by IC 12-13-15.1-6.

(18) The department.

SECTION 156. IC 31-33-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Section 2 of this chapter does not prevent the county office of family and children or the ~~local child protection service~~ **department** from disclosing to a qualified individual engaged in a good faith research project either:

(1) information of a general nature, including the incidents of reported child abuse or neglect or other statistical or social data used in connection with studies, reports, or surveys, and information related to their function and activities; or

(2) information relating to case histories of child abuse or neglect if:

(A) the information disclosed does not identify or reasonably tend to identify the persons involved; and

(B) the information is not a subject of pending litigation.

(b) To implement this section, the ~~division of family and children~~ **department** shall adopt under IC 4-22-2 rules to govern the dissemination of information to qualifying researchers.

SECTION 157. IC 31-33-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Whenever a child

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abuse or neglect investigation is conducted under this article, the ~~local child protection service~~ **department** shall give verbal and written notice to each parent, guardian, or custodian of the child that:

- (1) the reports and information described under section 1 of this chapter relating to the child abuse or neglect investigation; and
 - (2) if the child abuse or neglect allegations are pursued in juvenile court, the juvenile court's records described under IC 31-39;
- are available upon the request of the parent, guardian, or custodian except as prohibited by federal law.

(b) A parent, guardian, or custodian requesting information under this section may be required to sign a written release form that delineates the information that is requested before the information is made available. However, no other prerequisites for obtaining the information may be placed on the parent, guardian, or custodian except for reasonable copying costs.

SECTION 158. IC 31-33-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Except as provided in sections 6 and 7 of this chapter, the ~~division of family and children~~ **department** shall conduct an administrative hearing under IC 4-21.5-3 upon a request made under IC 31-33-17-8.

SECTION 159. IC 31-33-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. If the classifying agency fails to carry the burden of proof under section 2 of this chapter, the ~~division of family and children~~ **department** shall amend or expunge the report as ordered by the administrative hearing officer within the period provided under section 8 of this chapter.

SECTION 160. IC 31-33-19-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The ~~division of family and children~~ **department** shall expunge identifying information in a substantiated report contained within the registry as follows:

- (1) Not later than ten (10) working days after any of the following occurs:
 - (A) A court having jurisdiction over a child in need of services proceeding determines that child abuse or neglect has not occurred.
 - (B) An administrative hearing officer under this chapter finds that the child abuse or neglect report is unsubstantiated.
 - (C) A court having criminal jurisdiction over a case involving child abuse or neglect in which criminal charges are filed and the court:
 - (i) dismisses the charges; or
 - (ii) enters a not guilty verdict.

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(2) Not later than ten (10) working days after the period of informal adjustment ceases under IC 31-34-8.

(3) Not later than six (6) months after the date that the ~~division of family and children~~ **department** enters the report into the registry as the result of a person's failure to successfully participate in a services referral agreement under IC 31-33-13.

(4) Not later than twenty (20) years after a court determines that a child is a child in need of services based upon the report.

(b) However, if subsection (a)(1) through (a)(4) does not apply, the ~~division of family and children~~ **department** shall expunge the report not later than when the child who is named as the victim of child abuse or neglect reaches twenty-four (24) years of age.

SECTION 161. IC 31-33-19-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. The ~~division of family and children~~ **department** shall immediately amend or expunge from the registry a substantiated report containing an inaccuracy arising from an administrative or a clerical error.

SECTION 162. IC 31-33-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. ~~Each local child protection service~~ **The department** shall establish and maintain an automated child protection system.

SECTION 163. IC 31-33-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The system consists of the following components:

(1) One (1) computer to be purchased for every two (2) child welfare caseworkers.

(2) Automated risk assessment in which a child welfare worker or supervisor is able to review a substantiated child abuse and neglect case to determine prior case history during the intake, investigation, assessment, and case management processes.

(3) The capability to allow supervisors to monitor child abuse and neglect cases and reports relating to the cases.

(4) The automated production of standard reports to enable the automated compilation of information gathered on forms used by child welfare workers to report the information and results of child abuse and neglect cases. The system must also provide for the automation of other data for planning and evaluation as determined by the ~~division of family and children~~ **department**.

(5) The capability of same day notification and transfer of statistical information to the ~~division of family and children~~ **department** regarding new and closed child abuse and neglect cases.

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(6) The enabling of child welfare supervisors to review a child abuse or neglect case at any point after the case is initially determined to be substantiated abuse or neglect to confirm the status of the case and allow for the consolidated management of cases.

(7) The capability for adjustment to the system's programming at a later date if additional reporting requirements occur at a later date.

(8) A word processing capability to allow case notes to be recorded with each substantiated child abuse and neglect case.

SECTION 164. IC 31-33-20-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) In addition to the components under section 2 of this chapter, the system must have the capability to maintain a case history file.

(b) Whenever a child abuse or neglect case is substantiated as provided under IC 31-33-17-2, the system must have the capability to transmit the information regarding the case to the ~~division of family and children~~ **department**.

(c) Whenever a person enters a new child abuse or neglect report into the system, the system must have the capability to automatically search:

~~(A)~~ (1) within the county; and

~~(B)~~ (2) within the child abuse and neglect registry maintained by the ~~division of family and children~~ **department** under IC 31-33-17;

for reports that match the name of the perpetrator, victim, or person who is legally responsible for the victim's welfare with the persons named in the new report as described in this chapter.

(d) If the system identifies a previous, substantiated report, the system must have the capability to transfer the report to the county where the new report originated not later than twenty-four (24) hours after receipt of the new report. If the previous, matching report is located, a case history extract must be made available to the assigned caseworker.

SECTION 165. IC 31-33-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. At least ten (10) levels of security for confidentiality in the system must be maintained. The system must have a comprehensive system of limited access to information as follows:

(1) The system must be accessed only by the entry of an operator identification number and a person's secret password.

(2) Child welfare caseworkers and investigators must be allowed

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to access only cases that are assigned to the caseworker or investigator.

(3) Child welfare supervisors may access only the following:

(A) Cases assigned to the supervisor.

(B) Cases assigned to a caseworker or an investigator who reports to the supervisor.

(C) Cases that are unassigned.

(4) To preserve confidentiality in the workplace, case welfare managers, as designated by the ~~division of family and children~~ **department**, may access any case, except restricted cases involving a state employee or the immediate family member of a state employee who has access to the system. Access to restricted information under this subdivision may be obtained only if an additional level of security is implemented.

(5) Access to records of authorized users, including passwords, is restricted to:

(A) users designated by the ~~division of family and children~~ **department** as an administrator; and

(B) the administrator's level of administration as determined by the ~~division of family and children~~ **department**.

(6) Ancillary programs that may be designed for the system may not be executed in a manner that would circumvent the system's log on security measures.

(7) Certain system functions must be accessible only to system operators with specified levels of authorization as determined by the ~~division of family and children~~ **department**.

(8) Files containing passwords must be encrypted.

(9) There must be two (2) additional levels of security for confidentiality as determined by the ~~division of family and children~~ **department**.

SECTION 166. IC 31-33-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person who intentionally communicates to:

(1) a law enforcement agency; or

~~(2) a local child protection service;~~

(2) the department;

a report of child abuse or neglect knowing the report to be false commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a previous unrelated conviction for making a report of child abuse or neglect knowing the report to be false.

(b) A person who intentionally communicates to:

(1) a law enforcement agency; or

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~~(2) a local child protection service;~~

(2) the department;

a report of child abuse or neglect knowing the report to be false is liable to the person accused of child abuse or neglect for actual damages. The finder of fact may award punitive damages and attorney's fees in an amount determined by the finder of fact against the person.

(c) The director ~~of the county office of family and children~~ **or the director's designee** shall, after review by the ~~county office's~~ **department's** attorney, notify the prosecuting attorney whenever the director ~~or the director's designee~~ and the ~~county office's~~ **department's** attorney have reason to believe that a person has violated this section.

(d) A person who:

- (1) has reason to believe that the person is a victim of a false report of child abuse or neglect under this section; and
- (2) is not named in a pending criminal charge or under investigation relating to the report;

may file a complaint with the prosecuting attorney. The prosecuting attorney shall review the relevant child abuse or neglect records of the ~~county office of family and children~~ **department** and any other relevant evidence.

SECTION 167. IC 31-33-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. A person who is accused of committing child abuse or neglect is entitled to access to a report relevant to an alleged false accusation filed under this article if a court finds that the report:

- (1) is unsubstantiated; and
- (2) was intentionally communicated to a law enforcement agency or ~~a local child protection service~~ **the department** by a person who knew the report was false.

SECTION 168. IC 31-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A person taking a child into custody under section 3 of this chapter shall make written documentation evidencing the following:

- (1) The facts establishing probable cause to believe that the child is a child in need of services.
- (2) Why the child's physical or mental condition will be seriously impaired or seriously endangered if the child is not immediately taken into custody.
- (3) Why the person is unable to obtain a court order and what steps have been taken to obtain a court order.
- (4) Why the ~~local child protection service~~ **department of child**

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services is unable to protect the safety of the child without taking the child into custody.

(5) Why the person is unable to obtain the assistance of a law enforcement officer if the child is taken into custody by a probation officer or caseworker without the assistance of a law enforcement officer.

(b) The ~~division~~ **department of child services** shall create forms to be used for documentation under this section.

(c) The person taking the child into custody shall immediately forward a copy of the documentation to the ~~local~~ **department of child protection service services** to be included in the report required by IC 31-33-7-4.

SECTION 169. IC 31-34-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Immediately after an emergency medical services provider takes custody of a child under section 1 of this chapter, the provider shall notify the ~~local~~ **department of child protection service services** that the provider has taken custody of the child.

(b) The ~~local~~ **department of child protection service services** shall:

- (1) assume the care, control, and custody of the child immediately after receiving notice under subsection (a); and
- (2) not later than forty-eight (48) hours after the ~~local~~ **department of child protection service services** has taken custody of the child, contact the Indiana clearinghouse for information on missing children established by IC 10-13-5-5 to determine if the child has been reported missing.

SECTION 170. IC 31-34-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. A child for whom the ~~local~~ **department of child protection service services** assumes care, control, and custody under section 2 of this chapter shall be treated as a child taken into custody without a court order, except that efforts to locate the child's parents or reunify the child's family are not necessary, if the court makes a finding to that effect under IC 31-34-21-5.6(b)(5).

SECTION 171. IC 31-34-2.5-4, AS AMENDED BY SEA 340-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Whenever a child is taken into custody without a court order under this chapter, the attorney for the ~~county office of family and children~~ **department of child services** shall, without unnecessary delay, request the juvenile court to:

- (1) authorize the filing of a petition alleging that the child is a child in need of services;
- (2) hold an initial hearing under IC 31-34-10 not later than the

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next business day after the child is taken into custody; and
 (3) appoint a guardian ad litem or a court appointed special advocate for the child.

SECTION 172. IC 31-34-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. If a child is taken into custody under IC 31-34-2, the ~~local~~ **department of child protection service services** shall notify the child's custodial parent, guardian, or custodian not more than two (2) hours after the child has been taken into custody that the child has been taken into custody as the result of alleged child abuse or neglect.

SECTION 173. IC 31-34-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. Subject to section 3 of this chapter, if after making a reasonable effort the child's custodial parent, guardian, or custodian cannot be located, the **department of child protection service services** shall make a good faith effort, not more than six (6) hours after the child has been taken into custody, to leave written notice at the last known address of the child's custodial parent, guardian, or custodian that the child has been taken into custody.

SECTION 174. IC 31-34-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. If the custodial parent, guardian, or custodian is believed to reside outside of Indiana, the ~~local~~ **department of child protection service services** shall send written notice by certified mail to the last known address of the noncustodial parent, guardian, or custodian on the same date that the child is taken into custody. However, if the child is not taken into custody on a business day, the **department of child protection service services** shall send notice by certified mail on the next business day after the child is taken into custody.

SECTION 175. IC 31-34-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The ~~local~~ **department of child protection service services** must have as the ~~service's~~ **department's** first priority the immediate needs of the child for medical care, shelter, food, or other crisis services.

SECTION 176. IC 31-34-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter, the court shall consider placing the child with a suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering any other out-of-home placement.

(b) Before placing a child in need of services with a blood relative

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or an adoptive relative caretaker, the court may order the division of family ~~and children~~ **resources** to:

- (1) complete a home study of the relative's home; and
- (2) provide the court with a placement recommendation.

(c) Except as provided in subsection (e), before placing a child in need of services in an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the court shall order the division of family ~~and children~~ **resources** to conduct a criminal history check (**as defined in IC 31-9-2-22.5**) of each person who is:

- (1) currently residing in the location designated as the out-of-home placement; or
- (2) in the reasonable belief of the division of family ~~and children~~ **resources**, expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

(d) Except as provided in subsection (f), a court may not order an out-of-home placement if a person described in subsection (c)(1) or (c)(2) has:

- (1) committed an act resulting in a substantiated report of child abuse or neglect; or
- (2) been convicted of a felony listed in IC 12-17.4-4-11 or had a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult.

(e) The court is not required to order the division of family ~~and children~~ **resources** to conduct a criminal history check under subsection (c) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(f) A court may order an out-of-home placement if:

- (1) a person described in subsection (c)(1) or (c)(2) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect; or
 - (B) been convicted or had a juvenile adjudication for:
 - (i) reckless homicide (IC 35-42-1-5);
 - (ii) battery (IC 35-42-2-1) as a Class C or D felony;
 - (iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;
 - (iv) arson (IC 35-43-1-1) as a Class C or D felony;
 - (v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;
 - (vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

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(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that the placement is in the best interest of the child.

However, a court may not order an out-of-home placement if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(g) In making its written finding under subsection (f), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 177. IC 31-34-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The advisement required by this section applies only to a person who:

- (1) is named as being responsible for child abuse or neglect as the result of a substantiated report; and
- (2) agrees to participate in a program of informal adjustment under this chapter.

(b) Before the person signs an agreement to participate in a program of informal adjustment, the ~~local~~ **department of child protection service services** shall advise the person, orally and in writing, of the extent to which information contained in the substantiated report must be entered into the child abuse registry under IC 31-33-17 if the court approves the informal adjustment under section 1 of this chapter.

SECTION 178. IC 31-34-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. Whenever the court approves a program of informal adjustment arising out of a child abuse or neglect report, the ~~local~~ **department of child protection service services** shall transmit the report to the child abuse registry within five (5) working days as required by IC 31-33-8-13.

SECTION 179. IC 31-34-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Not later than

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five (5) months after a court approves a program of informal adjustment under this chapter, the ~~local~~ **department of child protection service services** shall file with the court a report indicating the extent of compliance with the program.

(b) If the court extends the period of the informal adjustment under section 6 of this chapter, the ~~local~~ **department of child protection service services** shall file a supplemental report not later than eleven (11) months after the court initially approves the program of informal adjustment updating the court on the status of a person's compliance with the program.

SECTION 180. IC 31-34-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Before complying with the other requirements of this chapter, the juvenile court shall first determine whether the following conditions make it appropriate to appoint a guardian ad litem or a court appointed special advocate, or both, for the child:

- (1) If the child is alleged to be a child in need of services:
 - (A) under IC 31-34-1-6;
 - (B) under IC 31-34-1-10 or IC 31-34-1-11;
 - (C) due to the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with the necessary medical care; or
 - (D) because the location of both of the child's parents is unknown;

the court shall appoint a guardian ad litem or court appointed special advocate, or both, for the child.

- (2) If the child is alleged to be a child in need of services under:
 - (A) IC 31-34-1-1;
 - (B) IC 31-34-1-2;
 - (C) IC 31-34-1-3;
 - (D) IC 31-34-1-4;
 - (E) IC 31-34-1-5;
 - (F) IC 31-34-1-7; or
 - (G) IC 31-34-1-8;

the court ~~may~~ **shall** appoint a guardian ad litem, court appointed special advocate, or both, for the child.

- (3) If the parent, guardian, or custodian of a child denies the allegations of a petition under section 6 of this chapter, the court shall appoint a guardian ad litem, court appointed special advocate, or both, for the child.

SECTION 181. IC 31-34-18-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) The

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predispositional report prepared by a probation officer or caseworker shall include the following information:

- (1) A description of all dispositional options considered in preparing the report.
- (2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.
- (3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker shall conduct a criminal history check (**as defined in IC 31-9-2-22.5**) for each person who:

- (1) is currently residing in the location designated as the out-of-home placement; or
- (2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

- (1) the probation officer or caseworker is considering only an out-of-home placement to an entity or facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 182. IC 31-34-19-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided in subsection (d), a court may not enter a dispositional decree under subsection (b) if a person who is:

- (1) currently residing in the location designated as the out-of-home placement; or
- (2) reasonably expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location;

has committed an act resulting in a substantiated report of child abuse

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or neglect; has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult; or has a conviction for a felony listed in IC 12-17.4-4-11. If a criminal history check has not been conducted before a dispositional decree is entered under this section, the court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check in the manner set forth in IC 31-34-18-6.1.

(b) In addition to the factors under section 6 of this chapter, if the court enters a dispositional decree regarding a child in need of services that includes an out-of-home placement, the court shall consider whether the child should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.

(c) The court is not required to order a probation officer or caseworker to conduct a criminal history check under subsection (a) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(d) A court may enter a dispositional decree under subsection (b) if:

(1) a person described in subsection (a)(1) or (a)(2) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense; delinquent act; or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child; and the dispositional decree is in the best interest of the child.

However, a court may not enter a dispositional decree if the person has

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been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B); or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B):

(c) In making its written finding under subsection (d), the court shall consider the following:

- (1) The length of time since the person committed the offense; delinquent act; or act that resulted in the conviction; adjudication; or substantiated report of abuse or neglect.
- (2) The severity of the offense; delinquent act; or abuse or neglect.
- (3) Evidence of the person's rehabilitation; including the person's cooperation with a treatment plan; if applicable.

SECTION 183. IC 31-34-20-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) Except as provided in subsection (c); (d) the juvenile court may not enter a dispositional decree placing a child in another home under section 1(3) of this chapter or awarding wardship to a county office of family and children that will place the child with a person under section 1(4) of this chapter if a person who is:

- (1) currently residing in the home in which the child would be placed under section 1(3) or 1(4) of this chapter; or
- (2) reasonably expected to be residing in the home in which the child would be placed under section 1(3) or 1(4) of this chapter during the time the child would be placed in the home;

has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(b) The juvenile court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11. However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 or IC 31-34-19-7 establishes whether a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that

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would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A court may enter a dispositional decree placing a child in another home or award wardship to a county office of family and children if:

(1) a person described in subsection (a)(1) or (a)(2) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that the dispositional decree placing a child in another home or awarding wardship to a county office of family and children is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home or award wardship to a county office of family and children if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

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(d) In making its written finding under subsection ~~(c)~~; **(d)**, the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 184. IC 31-34-21-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection (c)(1)(D), ~~or (c)(1)(E), or (c)(1)(F)~~ if a person who is ~~(1)~~ currently residing with a person described in subsection (c)(1)(D) or (c)(1)(E) or **in a residence in which the child would be placed under subsection (c)(1)(F)**

~~(2) reasonably expected to be residing with a person described in subsection (c)(1)(D) or (c)(1)(E) during the time the child would be placed in the location;~~

has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(b) The juvenile court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check **(as defined in IC 31-9-2-22.5)** to determine if a person described in subsection ~~(a)(1) or (a)(2)~~ **(a)** has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11. However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, ~~IC 31-34-19-7,~~ or IC 31-34-20-1.5 establishes whether a person described in subsection ~~(a)(1) or (a)(2)~~ **(a)** has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(c) A permanency plan under this chapter includes the following:

- (1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the court considers most appropriate and

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consistent with the best interests of the child:

- (A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.
- (B) Initiation of a proceeding by the agency or appropriate person for termination of the parent-child relationship under IC 31-35.
- (C) Placement of the child for adoption.
- (D) Placement of the child with a responsible person, including:
 - (i) an adult sibling;
 - (ii) a grandparent;
 - (iii) an aunt;
 - (iv) an uncle; or
 - (v) another relative;
 who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.
- (E) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:
 - (i) Care, custody, and control of the child.
 - (ii) Decision making concerning the child's upbringing.
- (F) Placement of the child in another planned, permanent living arrangement.
- (2) A time schedule for implementing the applicable provisions of the permanency plan.
- (3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.
- (4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.
- (d) A juvenile court may approve a permanency plan if:
 - (1) a person described in subsection ~~(a)(1)~~ or ~~(a)(2)~~ **(a)** has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect; or
 - (B) been convicted or had a juvenile adjudication for:
 - (i) reckless homicide (IC 35-42-1-5);

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- (ii) battery (IC 35-42-2-1) as a Class C or D felony;
- (iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;
- (iv) arson (IC 35-43-1-1) as a Class C or D felony;
- (v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;
- (vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or
- (vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 185. IC 31-34-24-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. The:

- (1) juvenile court, in implementing a program of informal adjustment for a child under IC 31-34-8; and
- (2) ~~local department of child protection service;~~ **services,** in proposing a voluntary services referral agreement for the benefit of a child under IC 31-33-13;

shall consider and use to the extent feasible any available services described in an early intervention plan approved under this chapter.

SECTION 186. IC 31-37-17-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker

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shall include the following information:

- (1) A description of all dispositional options considered in preparing the report.
- (2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.
- (3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker must conduct a criminal history check (**as defined in IC 31-9-2-22.5**) for each person who:

- (1) is currently residing in the location designated as the out-of-home placement; or
- (2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

- (1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 187. IC 31-37-19-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) Except as provided in subsection (c), the juvenile court may not enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office of family and children that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if a person who is:

- (1) currently residing in the home in which the child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter; or
- (2) reasonably expected to be residing in the home in which the

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child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter during the time the child would be placed in the home;

has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(b) The juvenile court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check (**as defined in IC 31-9-2-22.5**) to determine if a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11. However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-37-17-6.1 establishes whether a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(c) The juvenile court may enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office of family and children that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if:

- (1) a person described in subsection (a)(1) or (a)(2) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect; or
 - (B) been convicted or had a juvenile adjudication for:
 - (i) reckless homicide (IC 35-42-1-5);
 - (ii) battery (IC 35-42-2-1) as a Class C or D felony;
 - (iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;
 - (iv) arson (IC 35-43-1-1) as a Class C or D felony;
 - (v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;
 - (vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or
 - (vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was

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entered in another state; and

- (2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that entry of a dispositional decree placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office of family and children if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(d) In making its written finding under subsection (c), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 188. IC 31-37-24-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. The:

- (1) juvenile court, in implementing a program of informal adjustment for a child under IC 31-34-8; and
- (2) ~~local department of child protection service, services,~~ in proposing a voluntary services referral agreement for the benefit of a child under IC 31-33-13;

shall consider and use to the extent feasible any available services described in an early intervention plan approved under this chapter.

SECTION 189. IC 31-39-2-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13.5. The records of the juvenile court are available without a court order to an employee of the division of family ~~and children, resources,~~ a caseworker, or a juvenile probation officer conducting a criminal history check **(as defined in IC 31-9-2-22.5)** under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

- (1) child at imminent risk of placement;
- (2) child in need of services; or
- (3) delinquent child.

SECTION 190. IC 31-39-8-4 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Child abuse or neglect information may be expunged under this chapter if the probative value of the information is so doubtful as to outweigh the information's validity.

(b) Child abuse or neglect information shall be expunged if the information is determined to be unsubstantiated after:

- (1) an investigation of a report of a child who may be a victim of child abuse or neglect by the **department of child protection service; services; or**
- (2) a court proceeding.

SECTION 191. IC 36-2-6-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) A county executive may adopt an ordinance allowing money to be disbursed for lawful county purposes under this section.

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board having jurisdiction over the allowance of claims, the county auditor may make claim payments in advance of board allowance for the following kinds of expenses if the county executive has adopted an ordinance under subsection (a):

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.
- (2) License or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance or service agreements.
- (8) Leases or rental agreements.
- (9) Bond or coupon payments.
- (10) Payroll.
- (11) State or federal taxes.
- (12) Expenses that must be paid because of emergency circumstances.
- (13) Expenses described in an ordinance.

(14) Expenses incurred under a procurement contract under IC 31-33-1.5-10.

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the county auditor.

(d) The county executive or the county board having jurisdiction

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over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

(e) A payment of expenses under this section must be published in the manner provided under section 3 of this chapter.

SECTION 192. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 6-1.1-18.6; IC 12-7-2-31.5; IC 12-7-2-31.6; IC 12-13-14.5; IC 12-17-2-4; IC 12-17-2-5; IC 12-17-2-8; IC 12-17-2-16; IC 12-17.4-3-12; IC 12-17.4-4-15; IC 12-17.4-5-12; IC 12-17.4-6-11; IC 12-19-7-5; IC 12-19-7-8; IC 12-19-7.5-7; IC 12-19-7.5-10; IC 31-9-2-29.7; IC 31-33-2-1; IC 31-33-2-7.

SECTION 193. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "division" refers to the division of family and children established by IC 12-13-1-1.

(b) The division shall take any steps necessary to transfer, beginning July 1, 2005, the designated state agency charged with the administration of Title IV-D of the federal Social Security Act from the child support bureau established by IC 12-17-2-5 to the department of child services established by IC 31-33-1.5-2, as added by this act.

(c) If the federal government has not approved the transfer of designation described in this SECTION by July 1, 2005, the department of child services shall enforce Title IV-D under the designation of the child support bureau established by IC 12-17-2-5.

(d) This SECTION expires December 31, 2006.

SECTION 194. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "department" refers to the department of child services established by IC 31-33-1.5-2, as added by this act.

(b) On July 1, 2005, the following occur:

(1) The powers, duties, and functions of:

(A) a local, joint county, or multiple county child protection service established by IC 31-33-2-1 (before its repeal) or IC 31-33-2-7 (before its repeal);

(B) the child support bureau created by IC 12-17-2-5 (before its repeal); and

(C) the division of family and children established by IC 12-13-1-1, before its amendment by this act, concerning:

(i) foster care;

(ii) independent living (as described in 42 U.S.C. 677 et

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- seq.);
- (iii) adoption;
- (iv) the delivery of child services (as defined in IC 12-19-7-1);
- (v) the regulation of residential child care establishments;
- (vi) children in need of services;
- (vii) children psychiatric residential treatment services (as defined in IC 12-19-7.5-1); and
- (viii) family services (as defined in IC 31-9-2-45);

are transferred to the department.

(2) A reference in the Indiana Code or a rule to:

- (A) child protection services or local, joint county, or multiple county child protection service;
- (B) the child support bureau or the state's Title IV-D agency; and
- (C) the division of family and children concerning the provision of:
 - (i) foster care;
 - (ii) independent living;
 - (iii) adoption;
 - (iv) the delivery of child;
 - (v) residential child care establishment;
 - (vi) children in need of;
 - (vii) children psychiatric residential treatment; and
 - (viii) family;

services;

shall be construed as a reference to the department.

(3) The property and records of:

- (A) the child protection services and local, joint county, and multiple county child protection services;
- (B) the child support bureau; and
- (C) the division of family and children concerning:
 - (i) foster care;
 - (ii) independent living;
 - (iii) adoption;
 - (iv) the delivery of child;
 - (v) residential child care establishment;
 - (vi) children in need of;
 - (vii) children psychiatric residential treatment; and
 - (viii) family;

services;

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are transferred to the department.

(4) Any appropriations made to the office of the secretary of family and social services to administer:

- (A) child protection services;
- (B) the child support bureau or Title IV-D;
- (C) foster care services;
- (D) independent living services;
- (E) adoption services;
- (F) the delivery of child services;
- (G) the regulation of residential child care establishments;
- (H) children in need of services;
- (I) children psychiatric residential treatment services; and
- (J) family services;

are transferred to the department.

(5) An individual who was an employee of:

- (A) a local, joint county, or multiple county child protection services;
- (B) the child support bureau; or
- (C) the division of family and children or a local county office of family and children concerning:
 - (i) foster care;
 - (ii) independent living;
 - (iii) adoption;
 - (iv) the delivery of child;
 - (v) residential child care establishment;
 - (vi) children in need of;
 - (vii) children psychiatric residential treatment; and
 - (viii) family;

services;

becomes an employee of the department. The employee is entitled to have the employee's service before July 1, 2005, recognized for the purposes of computing retention points under IC 4-15-2-32 if a layoff occurs and all other applicable employee benefits.

(c) This SECTION expires December 31, 2006.

SECTION 195. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "department" refers to the department of child services established by IC 31-33-1.5-2, as added by this act.

(b) Rules adopted before July 1, 2005, by the division of family and children concerning:

- (1) child protection services;
- (2) Title IV-D or the child support bureau;

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- (3) foster care services;
- (4) independent living services;
- (5) adoption services;
- (6) the delivery of child services;
- (7) the regulation of residential child care establishments;
- (8) children in need of services;
- (9) children psychiatric residential treatment; and
- (10) family services;

are considered after June 30, 2005, rules of the department.

(c) The department shall amend references in rules to indicate that the department and not the division of family and children is the entity that administers:

- (1) child protection services;
- (2) Title IV-D;
- (3) foster care services;
- (4) independent living services;
- (5) adoption services;
- (6) the delivery of child services;
- (7) the regulation of residential child care establishments;
- (8) children in need of services;
- (9) children psychiatric residential treatment; and
- (10) family services.

(d) This SECTION expires December 31, 2006.

SECTION 196. [EFFECTIVE JULY 1, 2005] (a) The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to make appropriate changes in statutes that are required by this act, including the review of the following cites to determine whether changes are necessary:

- (1) IC 12-7-2.
- (2) IC 12-13-5.
- (3) IC 12-13-6.
- (4) IC 12-13-7.
- (5) IC 12-13-13.
- (6) IC 12-13-15.
- (7) IC 12-13-15.1.
- (8) IC 12-14-24.
- (9) IC 12-17-1.
- (10) IC 12-17-2.
- (11) IC 12-17-3.
- (12) IC 12-17-8.
- (13) IC 12-17-9.

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- (14) IC 12-17-10.
- (15) IC 12-17-11.
- (16) IC 12-17-16.
- (17) IC 12-17.4.
- (18) IC 12-19-1.
- (19) IC 12-19-2.
- (20) IC 12-19-5.
- (21) IC 12-19-7.
- (22) IC 12-19-7.5.
- (23) IC 31-19.
- (24) IC 31-34-4.
- (25) IC 31-34-21.
- (26) IC 31-34-24.
- (27) IC 31-39-2-13.5.
- (28) IC 31-40-1.
- (29) Any other statute needing to be changed as required by this act.

(b) A reference in the following statutes to the division of family and children shall be construed as a reference to the department of child services established by IC 31-33-1.5:

- (1) IC 12-13-13.
- (2) IC 12-13-15.
- (3) IC 12-13-15.1.
- (4) IC 12-14-24.
- (5) IC 12-17-1.
- (6) IC 12-17-3.
- (7) IC 12-17-8.
- (8) IC 12-17-9.
- (9) IC 12-17-10.
- (10) IC 12-17-11.
- (11) IC 12-17-16.
- (12) IC 12-17.4.
- (13) IC 12-19-1-11.
- (14) IC 12-19-1-14.
- (15) IC 20-8.1-6.1-5.5.
- (16) IC 31-19.
- (17) IC 31-30 through IC 31-40 that are duties, functions, or responsibilities of the department of child services under IC 31-33-1.5.

(c) This SECTION expires December 31, 2007.

SECTION 197. [EFFECTIVE JULY 1, 2005] (a) On July 1, 2005, the following occur:

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(1) The division of family and children established by IC 12-13-1-1 becomes the division of family resources.

(2) The powers, duties, and functions of the division of family and children, except for the powers, duties, and functions transferred to the department of child services established by this act, are transferred to the division of family resources.

(3) A reference in the Indiana Code or the Indiana Administrative Code to the division of family and children, except as changed by this act, shall be construed as a reference to the division of family resources.

(4) The property and records of the division of family and children, except for the property and records transferred by this act to the department of child services, are transferred to the division of family resources.

(5) Any appropriations made to the division of family and children, except for an appropriation concerning a power, duty, or function transferred to the department of child services under this act, are transferred to the division of family resources.

(6) An individual who is an employee of the division of family and children, except for an employee who is transferred to the department of child services under this act, becomes an employee of the division of family resources. The employee is entitled to have the employee's service before July 1, 2005, recognized for the purposes of computing retention points under IC 4-15-2-32 if a layoff occurs and all other applicable employee benefits.

(7) Rules adopted by the division of family and children before July 1, 2005, except for a rule concerning a power, duty, or function transferred to the department of child services under this act, are considered after June 30, 2005, to be rules of the division of family resources.

(8) The division of family resources shall amend references to the division of family and children in rules adopted by the division of family and children before July 1, 2005, to reflect the change described in subdivision (1).

(b) This SECTION expires December 31, 2009.

SECTION 198. [EFFECTIVE JULY 1, 2005] The amendments to IC 12-19-7 and IC 12-19-7.5 by this act apply only to property taxes first due and payable after December 31, 2005.

SECTION 199. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and

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planning established by IC 12-8-6-1.

(b) As used in this SECTION, "special needs adopted child" means a child who:

- (1) has been adopted by an individual; and
- (2) has been diagnosed with a mental illness, including an emotional or behavioral condition, by a psychologist licensed under IC 25-33 or a psychiatrist licensed under IC 25-22.5.

(c) As used in this SECTION, "waiver" refers to a Medicaid waiver allowed under the federal Social Security Act.

(d) Before September 1, 2005, the office shall apply to the United States Department of Health and Human Services for a waiver to allow the office to disregard parental income for Medicaid eligibility purposes if the parental income:

- (1) is three hundred fifty percent (350%) or less of the federal income poverty level and the individual is otherwise ineligible for Medicaid; or
- (2) exceeds three hundred fifty percent (350%) and is less than one thousand one percent (1001%) of the federal income poverty level and the office adopts a cost participation plan for these individuals;

and provide coverage of mental health services for a special needs adopted child who is less than nineteen (19) years of age.

(e) The office may not implement the waiver until the office files an affidavit with the governor attesting that the federal waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver is approved.

(f) If the office receives a waiver applied for under subsection (d) and the governor receives the affidavit filed under subsection (e), the office shall implement the waiver not more than sixty (60) days after the governor receives the affidavit.

(g) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.

(h) This SECTION expires December 31, 2012.

SECTION 200. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the select committee on the reorganization of child services established by this SECTION.

(b) There is established the select committee on the reorganization of child services. The committee shall study the organization of child services provided in Indiana and consider which is the proper agency to administer each program that has an impact on services for children. The duties of the committee

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include the following:

- (1) Studying and making recommendations concerning the means in which the department of child services and the office of the secretary of family and social services shall cooperate in providing child services.
- (2) Studying and making recommendations concerning the determination of the proper agency:
 - (A) to administer specific child service programs; and
 - (B) to employ the individuals providing child services.
- (3) Studying and making a recommendation concerning the proper organization of the department of child services established by this act to deliver services for children on a statewide basis.
- (4) Studying any other matter the committee determines is relevant to the reorganization of child services in Indiana.
- (5) Studying the efficient provision of administrative functions used by more than one (1) agency providing child services.
- (c) The committee consists of the following members:
 - (1) Two (2) legislators appointed by the president pro tempore of the senate. Members appointed under this subdivision may not be members of the same political party.
 - (2) Two (2) legislators appointed by the speaker of the house of representatives. Members appointed under this subdivision may not be members of the same political party.
 - (3) The secretary of family and social services.
 - (4) The director of the department of child services appointed under IC 31-33-1.5-2, as added by this act.
 - (5) Three (3) directors of county offices of family and children appointed as follows:
 - (A) One (1) director appointed by the secretary of the office of the secretary of family and social services.
 - (B) One (1) director appointed by the director of the department of child services.
 - (C) One (1) director appointed by the governor.
 - (6) One (1) guardian ad litem or court appointed special advocate appointed by the governor.
 - (7) One (1) school superintendent appointed by the governor.

The chairperson of the legislative council shall appoint a member described in subdivision (1) or (2) as chairperson of the committee.

- (d) The committee shall operate under the policies governing study committees adopted by the legislative council.
- (e) The affirmative votes of a majority of the voting members

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appointed to the committee are required for the committee to take action on any measure, including the final report.

(f) The final report of the committee must be submitted to the legislative council in electronic format under IC 5-14-6 not later than December 1, 2005.

(g) This SECTION expires December 31, 2005.

SECTION 201. [EFFECTIVE JULY 1, 2005] (a) The department of child services shall submit a report to the legislative council and the health finance commission established by IC 2-5-23-3 that contains statistics concerning the education levels and salaries of all:

- (1) child protection caseworkers and child welfare caseworkers; and
- (2) child protection caseworker and child welfare caseworker supervisors;

by September 1, 2005.

(b) The report required by subsection (a) must be in an electronic format under IC 5-14-6.

(c) This SECTION expires December 31, 2005.

SECTION 202. [EFFECTIVE JULY 1, 2005] (a) The department of education, in cooperation with the department of child services, the department of correction, and the division of mental health and addiction, shall submit a joint report not later than June 1, 2006, to the legislative council and the commission on mental health concerning the implementation of IC 12-13-16, as added by this act.

(b) The report required by subsection (a) must be in an electronic format under IC 5-14-6.

(c) This SECTION expires July 1, 2006.

SECTION 203. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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